



JPW

Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of
Inventor(s): Dennis E. Parham

Merchandising Display Track Device Of
Multiple-Piece Construction

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Group Art Unit: 3634

Examiner: Novosad, J. E.

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Commissioner for Patents
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Alexandria, VA 22313-1450

John L. James

Name: John L. James

Registration No. 28,724

Date: March 16, 2010

TRANSMITTAL OF DOCUMENTS

In response to the Office Action Paper No./Mail Date 03/16/2010, transmitted herewith are copies of correspondence sent to Applicant and copies of correspondence sent by Applicant in the above-identified application. The documents transmitted herewith include copies of Office Actions sent to Applicant and responses and amendments filed by Applicant during examination and prosecution of the application.

The information herein was retrieved from files in the custody of the undersigned Attorney of Record and are believed to be accurate copies and complete copies of papers in said files.

Respectfully submitted,

John L. James

John L. James

Attorney for Applicant(s)

Registration No. 28,724

Atty Docket No. D-2958RE

Serial No.: 10/705,666

Transmittal of Documents

Telephone: 678-520-7665



Atty Docket D-2958RE

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Respectfully submitted,

John L. James

Attorney for Applicant(s)

Registration No. 28,724

Atty Docket No. D-2958RE

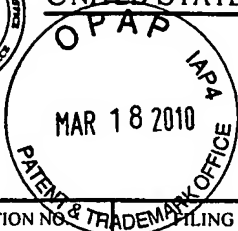
Serial No.: 10/705,666

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Telephone: 678-520-7665



UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION NO. & TRADEMARK FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,666 26829 7590 JOHN L. JAMES P.O. BOX 9839 FLEMING ISLAND, FL 32006-0035	11/10/2003 03/10/2010 Dennis E. Parham	D2958RE	5356
		EXAMINER NOVOSAD, JENNIFER ELEANORE	
		ART UNIT 3637	PAPER NUMBER
		MAIL DATE 03/10/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Application/Control Number: 10/705,666

Page 2

Art Unit: 3637

The communication is being sent to applicant to request information under 37 CFR 1.105. The information being requested includes copies of the Office actions sent to applicant and responses and amendments filed by applicant, during the patent prosecution and examination, since such information may be reasonably necessary to properly examiner this reissue application.

Applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Darnell M. Jayne can be reached on 571-272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer E. Novosad/
Primary Examiner, Art Unit 3637

March 4, 2010



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN L. JAMES
P.O. BOX 2025
MARIETTA GA 30061-2025

In re Application of
Dennis E. Parham
Application No.: 10/705,666
Filing Date: November 10, 2003
Attorney Docket No. 10/705,666

:
:
:
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:

ON PETITION

COPY MAILED

MAY 09 2008

OFFICE OF PETITIONS

This is a decision on the "Renewed Petition for Reconsideration" filed March 31, 2008, which will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.175.

The petition is **granted**.

Petitioner requests that the supplemental reissue declaration be accepted without the signature of inventor Dennis E. Parham, as inventor Parham is refusing to sign the declaration. It is noted, that in this case, 37 CFR 1.175 requires the filing of a supplemental reissue declaration signed by all named inventors, yet petitioner has demonstrated that inventor Parham refuses to sign the supplemental reissue declaration. In such a case, Section 1414.01 of the *Manual of Patent Examining Procedure* (MPEP) provides that:

[if] a joint inventor refuses or cannot be found or reached to sign a supplemental oath/declaration, a supplemental oath/declaration listing all the inventors, and signed by all the available inventors may be filed provided it is accompanied by a petition under 37 CFR 1.183 along with the petition fee, requesting waiver of the signature requirement of the non-signing inventor.

Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.175 so as to accept the supplemental reissue declaration filed April 23, 2007, without the signature of inventor Parham. The petition is granted, the requirement of 37 CFR 1.175 that all named inventors execute the supplemental reissue declaration is suspended, and the supplemental reissue declaration executed by the assignee of record is acknowledged.

The certificate under 37 CFR 3.73(b) filed March 31, 2008, is noted.

The application file will be forwarded to Technology Center 3600, GAU 3637 for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
of

Inventor(s):
Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Group Art Unit: 3634

Examiner: Novosad, J. E.

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MAIL STOP PETITIONS

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

John L. James

Name: John L. James

Registration No. 28,724

Date: March 27, 2008

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

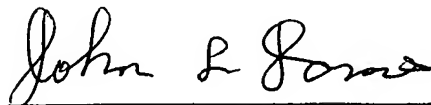
RENEWED PETITION FOR RECONSIDERATION

This is a renewed petition for reconsideration of
the decision on the petition by Applicant, Display
Industries, LLC., to accept the filing of the above-
identified U.S. Reissue Patent Application by it, as the
party to which the invention disclosed and claimed in said
Reissue Patent Application rightfully belongs, and on
behalf of and as agent for the inventor.

A certificate under 37 CFR 3.73(b) is required for
the granting of the petition but was inadvertently omitted.
A certificate under 37 CFR 3.73(b) is submitted herewith.

Petitioner's Attorney apologizes for the omission and now submits that the petition is in condition for approval.

Respectfully submitted,

A handwritten signature in cursive script, reading "John L. James". The signature is written in dark ink and is positioned above a horizontal line.

John L. James
Attorney for Applicant(s)
Registration No. 28,724

Atty Docket No. D-2958RE
Serial No.: 10/705,666
Renewed Petition
Telephone: 678-520-7665



PTO/SB/96 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Dennis E. ParhamApplication No./Patent No.: 6,325,221 Filed/Issue Date: December 4, 2001Entitled: Merchandising Track Device Of Multiple-Piece ConstructionDisplay Industries, LLC, a Limited Liability Company of Georgia
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title, and interest.The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:1. From: Dennis E. Parham To: The Mead CorporationThe document was recorded in the United States Patent and Trademark Office at Reel 009090, Frame 0616, or for which a copy thereof is attached.2. From: The Mead Corporation To: Display Industries, LLC.The document was recorded in the United States Patent and Trademark Office at Reel 010996, Frame 0001, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

3/11/08

Date

404-350-4801

Telephone number

Mark A. Higgins

Typed or printed name

[Signature]

Signature

President

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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Commissioner for Patents
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JOHN L. JAMES
P.O. BOX 2025
MARIETTA GA 30061-2025

COPY MAILED

JAN 29 2008

OFFICE OF PETITIONS

In re Application of :
Dennis E. Parham :
Application No.: 10/705,666 : **ON PETITION**
Filing Date: November 10, 2003 :
Attorney Docket No. 10/705,666 :

This is a decision on the "Petition for Reconsideration" filed January 10, 2008, which will be treated as a renewed petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.175.

The petition is **dismissed**.

Petitioner requests that the supplemental reissue declaration be accepted without the signature of inventor Dennis E. Parham, as inventor Parham is refusing to sign the declaration. It is noted, that in this case, 37 CFR 1.175 requires the filing of a supplemental reissue declaration signed by all named inventors, yet petitioner has demonstrated that inventor Parham refuses to sign the supplemental reissue declaration. In such a case, Section 1414.01 of the *Manual of Patent Examining Procedure* (MPEP) provides that:

[if] a joint inventor refuses or cannot be found or reached to sign a supplemental oath/declaration, a supplemental oath/declaration listing all the inventors, and signed by all the available inventors may be filed provided it is accompanied by a petition under 37 CFR 1.183 along with the petition fee, requesting waiver of the signature requirement of the non-signing inventor.

Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.175 so as to accept the supplemental reissue declaration filed April 23, 2007, without the signature of inventor Parham. The petition must be dismissed, however, a certificate under 37 CFR 3.73(b) did not accompany the petition. An authorized representative of the assignee for the application must sign the declaration under 37 CFR 1.131 because none of joint inventors is available to sign the declaration under 37 CFR 1.131. The assignee must, however, establish its authority to act in the application by filing a certificate under 37 CFR 3.73(b). The renewed petition must be accompanied by an executed certificate under 37 CFR 3.73(b) (copy enclosed).

The undersigned overlooked the absence of the certificate under 37 CFR 3.73(b) while reviewing the first petition under 37 CFR 1.183 and apologizes for any resulting inconvenience to petitioner.

The petition fee of \$400.00 is noted and made of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/96



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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No.: _____ Filed/Issue Date: _____

Entitled: _____

_____, a _____
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
- OR
- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

_____ Signature	_____ Date
_____ Printed or Typed Name	_____ Telephone Number
_____ Title	

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
of

Inventor(s):
Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Group Art Unit: 3634

Examiner: Novosad, J. E.

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Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

John L. James

Name: John L. James

Registration No. 28,724

Date: February 19, 2008

RESPONSE

In response to the Office Action Paper No./Mail Date
20071106, please enter the enclosed supplemental declaration in
the above-identified application.

REMARKS

The supplemental declaration is believed to cure
prior declaration defects by specifically pointing out
errors and showing how the new claims correct those errors.
All the claims have been deemed allowable except for the
defective declaration.

In view of the foregoing , the reissue application is in condition for allowance and such favorable action is courteously solicited.

Respectfully submitted,


John L. James

Attorney for Applicant(s)
Registration No. 28,724

Atty Docket No. D-2958RE
Serial No.: 10/705,666
Response with Declaration
Telephone: 770-792-0360
Facsimile: 770-792-2127



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **Atty Docket D-2958RE**

In re Reissue Application
of

Inventor(s):
Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

U.S. Patent No: 6,325,221

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Commissioner for Patents
Alexandria, VA 22313-1450

Group Art Unit: 3634

Examiner: Novosad, J. E.

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Alexandria, VA 22313-1450

Name: John L. James
Registration No. 28,724
Date:

Sir:

SUPPLEMENTAL DECLARATION

I hereby declare that:

Applicant believes the original patent to be
partially inoperative or invalid by reason of the patentee
claiming less than patentee had a right to claim in the
patent.

An error in the original patent, US Patent No.
6,325,221, was claiming less than entitled to claim in
original claim 1. Claim 1 claims a track device having
several elements including first and second elongate track
members formed separately as two discrete structures with
the first and second members connected together in an
end-to-end, longitudinally adjacent relationship. Each of

the first and second members comprises a track base for carrying articles for sliding movement along each member and at least one article-guiding side wall upstanding from the track base of each member and extending along the member. One side wall of the first member is disposed in general longitudinal alignment with one side wall of the second member. Locking means, integrally formed with the first member, interconnect the one side wall of the first member and the one side wall of the second member to lock the members in position relative to each other. Claim 1 is directed to a track device having track members with longitudinal connections and fails to cover a front panel assembly. By failing to claim a front panel assembly, claim 1 claims less than patentee had a right to claim.

Another error in the original patent, US Patent No. 6,325,221, was claiming less than entitled to claim in original claim 2-13. Claims 2-13 claim a track device having several elements including an elongate body having a forward end with the body comprising a track base for carrying a row of articles for sliding movement along the body, a tongue extending forwardly from the track base and defining the forward end of the body, and at least one article-guiding side wall upstanding from the track base and extending along the body. There is a front piece formed as a discrete structure separate from the body and attached to the forward end of the body to provide a stopper for preventing a leading article in the row from exiting the track device. Claims 2-13 are directed to a track device having an elongate body having a forward end with the body comprising a track base. A front piece is formed as a discrete structure separate from the body and

attached to the forward end of the body. By failing to claim a front panel assembly without a track base, claims 2-13 claim less than patentee had a right to claim.

Yet another error in the original patent, US Patent No. 6,325,221, was claiming less than entitled to claim in original claims 14-15. Claims 14-15 claim a track device having several elements including first and second elongate track members formed separately as two discrete structures connected together in an end-to-end longitudinally adjacent relationship. Each of the members comprises a track base for carrying articles for sliding movement along the member, and at least one article-guiding side wall upstanding from the track base of the member and extending along the member. The second member comprises a tongue extending longitudinally from the track base of the second member defining an end of the second member. The first member has an end-opening socket for receiving the tongue so that the track bases of the first and second members can interconnect. Locking means, integrally formed with the first member, interconnect the one side wall of the first member and the one side wall of the second member to lock the members in position relative to each other. Claims 14-15 are directed to a track device having track members with longitudinal connections and fails to cover a front panel assembly. By failing to claim a front panel assembly, claims 14-15 claim less than patentee had a right to claim.

Still another error in the original patent, US Patent No. 6,325,221, was claiming less than entitled to claim in original claim 16-17. Claims 16-17 claim a track device having several elements including an elongate body

having a forward end with the body comprising a track base for carrying a row of articles for sliding movement along the body, a tongue extending forwardly from the track base and defining the forward end of the body, and at least one article-guiding side wall upstanding from the track base and extending along the body. There is a front piece formed as a discrete structure separate from the body and attached to the forward end of the body to provide a stopper for preventing a leading article in the row from exiting the track device. Claims 16-17 are directed to a track device having an elongate body having a forward end with the body comprising a track base. A front piece is formed as a discrete structure separate from the body and attached to the forward end of the body. By failing to claim a front panel assembly without a track base, claims 16-17 claim less than patentee had a right to claim.

Claims 31-35 correct the errors by claiming the front piece alone; that is, without also claiming all the structure of the track device to which the front panel assembly attaches.

Claims 31-32 are directed to a front panel assembly for a merchandising display track device, wherein the track device is adapted to receive a row of articles for sliding movement therealong. The front panel assembly, comprises: a base; a first upstanding vertical member permanently connected along its bottom end portion to the base; a first face member connected to the first vertical member; a second upstanding vertical member laterally spaced from the first vertical member and permanently connected along its bottom end portion to the base; a second face member connected to the second vertical member and extending

laterally a preselected distance from the second vertical member toward the first vertical member; an elongate connecting member connected to the vertical members and curving outwardly away from the vertical members; and means for detachably attaching the front panel assembly to the track device. Claims 31-32 thus corrects the errors of failing to claim a front panel assembly, and failing to claim a front panel assembly without also claiming a track base.

Claim 33 is directed to a front panel assembly for a merchandising display track device, wherein the track device has a track base adapted to receive a row of articles for sliding movement therealong and a vertical member extending along the track base. The front panel assembly, comprises: a floor deck; means for detachably attaching the floor deck to the track base; a first vertical member connected to the floor deck; a second vertical member laterally spaced from the first vertical member and connected to the floor deck; an elongate connecting member connected to the vertical members and curving outwardly away from the vertical members; and locking means integrally formed with one of the first and second vertical members for interconnecting the vertical member of the track device and the one vertical member to lock the vertical members in position relative to each other. Claim 33 thus corrects the errors of failing to claim a front panel assembly, and failing to claim a front panel assembly without also claiming a track base.

Claims 34-35 are directed to a front panel assembly for a merchandising display track device, wherein the track device is adapted to receive a row of articles for sliding

movement therealong. The front panel assembly, comprises: a base; first, second and third vertical members connected to the base and laterally spaced from one another; first, second and third face members each connected to a respective vertical member third vertical member toward the second vertical member; a first elongate connecting member connected to the first and second vertical members and curving outward away from the first and second vertical members; a second elongate connecting member connected to the second and third vertical members and curving outward away from the second and third vertical members; and means for detachably attaching the front panel assembly to the track device. Claims 34-35 thus correct the errors of failing to claim a front panel assembly, and failing to claim a front panel assembly without also claiming a track base.

All errors in the present reissue application up to the time of signing of this declaration, or errors which are being corrected by a paper filed concurrently with this declaration which correction of errors I have reviewed, arose without any deceptive intention on the part of the applicant.

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted with this application, arose without any deceptive intention on the part of the applicant.

Applicant for reissue has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the declaration; believe the named inventor, Dennis E. Parham

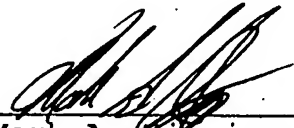
of 2509 Hollins Drive, Kennesaw, Georgia 30152, to be the original and first inventor of the subject matter which is claimed and for which a patent is sought; and acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

Applicant for reissue has filed a Petition For Filing By Assignee which was dismissed for failing to pay the proper fee. A Petition For Reconsideration along with the remainder of the fee was mailed January 8, 2008. Applicant for reissue, the Assignee of the subject patent, is believed to have authority to execute the Supplemental Declaration.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

For the Assignee,

1/28/08
Date

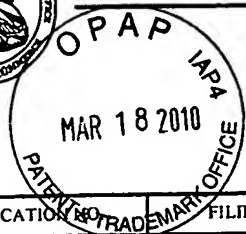


Mark A. Higgins
President
Display Industries, LLC.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/705,666

11/10/2003

Dennis E. Parham

D2958RE

5356

26829

7590

11/27/2007

JOHN L. JAMES

P.O. BOX 2025

MARIETTA, GA 30061-2025

EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Office Action Summary

Application No.	Applicant(s)	
10/705,666	PARHAM, DENNIS E.	
Examiner	Art Unit	
Jennifer E. Novosad	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 31-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

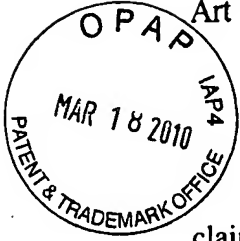
- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Application/Control Number:
10/705,666
Art Unit: 3637

Page 2



DETAILED ACTION

This Office action is in response to the amendment filed June 11, 2007 by which claims 25-29 were canceled and claims 31-35 were added.

Oath/Declaration

The reissue oath/declaration filed with this application is defective because it fails to contain the statement required under 37 CFR 1.175(a)(1) as to applicant's belief that the original patent is wholly or partly inoperative or invalid. See 37 CFR 1.175(a)(1) and see MPEP § 1414.

The reissue oath/declaration filed with this application is defective because the error which is relied upon to support the reissue application is not an error upon which a reissue can be based. See 37 CFR 1.175(a)(1) and MPEP § 1414. *In particular*, the supplemental declaration references claims 25-29 (see section 3), when in fact these claims are not present in the application. Claims 31-35 were added in the amendment filed June 11, 2007. *Further*, it is strongly suggested that applicant add specific language of the claims into the declaration when referencing claims 31-35.

Claims 1-17 and 31-35 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175. The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

Allowable Subject Matter

Claims 1-17 and 31-35 are otherwise allowable over the prior art.



Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
of

Inventor(s):
Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

U.S. Patent No: 6,325,221

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Commissioner for Patents
Alexandria, VA 22313-1450

Group Art Unit: 3634

Examiner: Novosad, J. E.

I hereby certify that this correspondence is
being deposited today with the United States
Postal Services as first class mail in an
envelope addressed to: :

MAIL STOP Reissue
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Name: John L. James
Registration No. 28,724
Date:

Sir:

SUPPLEMENTAL DECLARATION

I hereby declare that:

Applicant believes the original patent to be
partially inoperative or invalid by reason of the patentee
claiming less than patentee had a right to claim in the
patent.

An error in the original patent, US Patent No.
6,325,221, was claiming less than entitled to claim in
original claim 1. Claim 1 claims a track device having
several elements including first and second elongate track
members formed separately as two discrete structures with
the first and second members connected together in an
end-to-end, longitudinally adjacent relationship. Each of

the first and second members comprises a track base for carrying articles for sliding movement along each member and at least one article-guiding side wall upstanding from the track base of each member and extending along the member. One side wall of the first member is disposed in general longitudinal alignment with one side wall of the second member. Locking means, integrally formed with the first member, interconnect the one side wall of the first member and the one side wall of the second member to lock the members in position relative to each other. Claim 1 is directed to a track device having track members with longitudinal connections and fails to cover a front panel assembly. By failing to claim a front panel assembly, claim 1 claims less than patentee had a right to claim.

Another error in the original patent, US Patent No. 6,325,221, was claiming less than entitled to claim in original claim 2-13. Claims 2-13 claim a track device having several elements including an elongate body having a forward end with the body comprising a track base for carrying a row of articles for sliding movement along the body, a tongue extending forwardly from the track base and defining the forward end of the body, and at least one article-guiding side wall upstanding from the track base and extending along the body. There is a front piece formed as a discrete structure separate from the body and attached to the forward end of the body to provide a stopper for preventing a leading article in the row from exiting the track device. Claims 2-13 are directed to a track device having an elongate body having a forward end with the body comprising a track base. A front piece is formed as a discrete structure separate from the body and

attached to the forward end of the body. By failing to claim a front panel assembly without a track base, claims 2-13 claim less than patentee had a right to claim.

Yet another error in the original patent, US Patent No. 6,325,221, was claiming less than entitled to claim in original claims 14-15. Claims 14-15 claim a track device having several elements including first and second elongate track members formed separately as two discrete structures connected together in an end-to-end longitudinally adjacent relationship. Each of the members comprises a track base for carrying articles for sliding movement along the member, and at least one article-guiding side wall upstanding from the track base of the member and extending along the member. The second member comprises a tongue extending longitudinally from the track base of the second member defining an end of the second member. The first member has an end-opening socket for receiving the tongue so that the track bases of the first and second members can interconnect. Locking means, integrally formed with the first member, interconnect the one side wall of the first member and the one side wall of the second member to lock the members in position relative to each other. Claims 14-15 are directed to a track device having track members with longitudinal connections and fails to cover a front panel assembly. By failing to claim a front panel assembly, claims 14-15 claim less than patentee had a right to claim.

Still another error in the original patent, US Patent No. 6,325,221, was claiming less than entitled to claim in original claim 16-17. Claims 16-17 claim a track device having several elements including an elongate body

having a forward end with the body comprising a track base for carrying a row of articles for sliding movement along the body, a tongue extending forwardly from the track base and defining the forward end of the body, and at least one article-guiding side wall upstanding from the track base and extending along the body. There is a front piece formed as a discrete structure separate from the body and attached to the forward end of the body to provide a stopper for preventing a leading article in the row from exiting the track device. Claims 16-17 are directed to a track device having an elongate body having a forward end with the body comprising a track base. A front piece is formed as a discrete structure separate from the body and attached to the forward end of the body. By failing to claim a front panel assembly without a track base, claims 16-17 claim less than patentee had a right to claim.

Claims 31-35 correct the errors by claiming the front piece alone; that is, without also claiming all the structure of the track device to which the front panel assembly attaches.

Claims 31-32 are directed to a front panel assembly for a merchandising display track device, wherein the track device is adapted to receive a row of articles for sliding movement therealong. The front panel assembly, comprises: a base; a first upstanding vertical member permanently connected along its bottom end portion to the base; a first face member connected to the first vertical member; a second upstanding vertical member laterally spaced from the first vertical member and permanently connected along its bottom end portion to the base; a second face member connected to the second vertical member and extending

laterally a preselected distance from the second vertical member toward the first vertical member; an elongate connecting member connected to the vertical members and curving outwardly away from the vertical members; and means for detachably attaching the front panel assembly to the track device. Claims 31-32 thus corrects the errors of failing to claim a front panel assembly, and failing to claim a front panel assembly without also claiming a track base.

Claim 33 is directed to a front panel assembly for a merchandising display track device, wherein the track device has a track base adapted to receive a row of articles for sliding movement therealong and a vertical member extending along the track base. The front panel assembly, comprises: a floor deck; means for detachably attaching the floor deck to the track base; a first vertical member connected to the floor deck; a second vertical member laterally spaced from the first vertical member and connected to the floor deck; an elongate connecting member connected to the vertical members and curving outwardly away from the vertical members; and locking means integrally formed with one of the first and second vertical members for interconnecting the vertical member of the track device and the one vertical member to lock the vertical members in position relative to each other. Claim 33 thus corrects the errors of failing to claim a front panel assembly, and failing to claim a front panel assembly without also claiming a track base.

Claims 34-35 are directed to a front panel assembly for a merchandising display track device, wherein the track device is adapted to receive a row of articles for sliding

movement therealong. The front panel assembly, comprises: a base; first, second and third vertical members connected to the base and laterally spaced from one another; first, second and third face members each connected to a respective vertical member third vertical member toward the second vertical member; a first elongate connecting member connected to the first and second vertical members and curving outward away from the first and second vertical members; a second elongate connecting member connected to the second and third vertical members and curving outward away from the second and third vertical members; and means for detachably attaching the front panel assembly to the track device. Claims 34-35 thus correct the errors of failing to claim a front panel assembly, and failing to claim a front panel assembly without also claiming a track base.

All errors in the present reissue application up to the time of signing of this declaration, or errors which are being corrected by a paper filed concurrently with this declaration which correction of errors I have reviewed, arose without any deceptive intention on the part of the applicant.

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted with this application, arose without any deceptive intention on the part of the applicant.

Applicant for reissue has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the declaration; believe the named inventor, Dennis E. Parham

of 2509 Hollins Drive, Kennesaw, Georgia 30152, to be the original and first inventor of the subject matter which is claimed and for which a patent is sought; and acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

Applicant for reissue has filed a Petition For Filing By Assignee which was dismissed for failing to pay the proper fee. A Petition For Reconsideration along with the remainder of the fee was mailed January 8, 2008. Applicant for reissue, the Assignee of the subject patent, is believed to have authority to execute the Supplemental Declaration.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

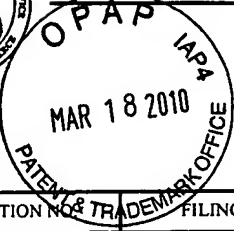
For the Assignee,

Date

Mark A. Higgins
President
Display Industries, LLC.



UNITED STATES PATENT AND TRADEMARK OFFICE



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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,666	11/10/2003	Dennis E. Parham	D2958RE	5356

26829 7590 11/27/2007
JOHN L. JAMES
P.O. BOX 2025
MARIETTA, GA 30061-2025

EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT	PAPER NUMBER
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3637

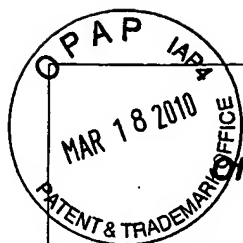
MAIL DATE	DELIVERY MODE
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11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Office Action Summary

Application No.

10/705,666

Applicant(s)

PARHAM, DENNIS E.

Examiner

Jennifer E. Novosad

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 31-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

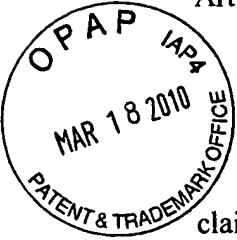
Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

This Office action is in response to the amendment filed June 11, 2007 by which claims 25-29 were canceled and claims 31-35 were added.

Oath/Declaration

The reissue oath/declaration filed with this application is defective because it fails to contain the statement required under 37 CFR 1.175(a)(1) as to applicant's belief that the original patent is wholly or partly inoperative or invalid. See 37 CFR 1.175(a)(1) and see MPEP § 1414.

The reissue oath/declaration filed with this application is defective because the error which is relied upon to support the reissue application is not an error upon which a reissue can be based. See 37 CFR 1.175(a)(1) and MPEP § 1414. *In particular*, the supplemental declaration references claims 25-29 (see section 3), when in fact these claims are not present in the application. Claims 31-35 were added in the amendment filed June 11, 2007. *Further*, it is strongly suggested that applicant add specific language of the claims into the declaration when referencing claims 31-35.

Claims 1-17 and 31-35 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175. The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

Allowable Subject Matter

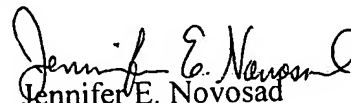
Claims 1-17 and 31-35 are otherwise allowable over the prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jennifer E. Novosad
Primary Examiner
Art Unit 3637

November 6, 2007



Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
of

Inventor(s):

Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Group Art Unit: 3634

Examiner: Novosad, J. E.

I hereby certify that this correspondence is
being deposited today with the United States
Postal Services as first class mail in an
envelope addressed to: :

MAIL STOP PETITIONS

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

John L. James

Name: John L. James

Registration No. 28,724

Date: January 8, 2008

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

PETITION FOR RECONSIDERATION

This is a petition for reconsideration of the
decision on the petition by Applicant, Display Industries,
LLC., to accept the filing of the above-identified U.S.
Reissue Patent Application by it, as the party to which the
invention disclosed and claimed in said Reissue Patent
Application rightfully belongs, and on behalf of and as
agent for the inventor.

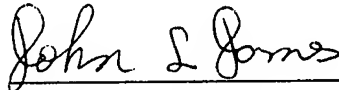
The amount of \$200.00 has been noted as having been
received on June 11, 2007, however, the required fee is
\$400.00.

This request is accompanied by check in the amount
of \$200.00 for the remainder of the required \$400.00 fee.

The facts are that Petitioner's Attorney inadvertently submitted the \$200.00 fee pursuant to 37 C.F.R. § 1.17(g) rather than the \$400.00 fee pursuant to 37 C.F.R. § 1.17(g). In the petition, Petitioner's Attorney also inadvertently referred to 37 C.F.R. § 1.17(h) which requires a fee \$130.00 instead of the \$400.00 fee required by 37 C.F.R. § 1.17(g).

Petitioner's Attorney apologizes for the error and confusion and now submits that the petition is in condition for approval.

Respectfully submitted,

A handwritten signature in cursive script, reading "John L. James".

John L. James
Attorney for Applicant(s)
Registration No. 28,724

Atty Docket No. D-2958RE
Serial No.: 10/705,666
Petition
Telephone: 678-520-7665



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www.uspto.gov

JOHN L. JAMES
P.O. BOX 2025
MARIETTA GA 30061-2025

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NOV 15 2007

OFFICE OF PETITIONS

In re Application of :
Dennis E. Parham :
Application No.: 10/705,666 : **ON PETITION**
Filing Date: November 10, 2003 :
Attorney Docket No. 10/705,666 :

This is a decision on the "Petition for Filing by Assignee" filed June 11, 2007, which will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.175.

The petition is **dismissed**.

Petitioner requests that the supplemental reissue declaration be accepted without the signature of inventor Dennis E. Parham, as inventor Parham is refusing to sign the declaration. It is noted, that in this case, 37 CFR 1.175 requires the filing of a supplemental reissue declaration signed by all named inventors, yet petitioner has demonstrated that inventor Parham refuses to sign the supplemental reissue declaration. In such a case, Section 1414.01 of the *Manual of Patent Examining Procedure* (MPEP) provides that:

[if] a joint inventor refuses or cannot be found or reached to sign a supplemental oath/declaration, a supplemental oath/declaration listing all the inventors, and signed by all the available inventors may be filed provided it is accompanied by a petition under 37 CFR 1.183 along with the petition fee, requesting waiver of the signature requirement of the non-signing inventor.

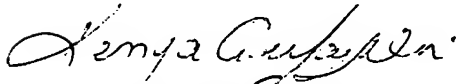
Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.175 so as to accept the supplemental reissue declaration filed April 23, 2007, without the signature of inventor Parham. Review of the merits of petition indicates that the petition is grantable, however; the petition must be dismissed because the fee for the petition under 37 CFR 1.182 did not accompany the petition. The amount of \$200.00 is noted as having been received on June 11, 2007, however, the fee for a petition under 37 CFR 1.183 is \$400.00. The remainder of the petition fee or an authorization to charge a deposit account for the same must accompany the renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



PTO/SB/21 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

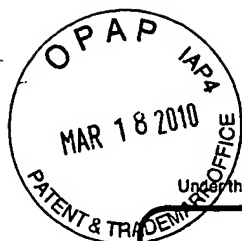
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/705,666	
	Filing Date	November 10, 2003	
	First Named Inventor	Dennis Parham	
	Art Unit	3634	
	Examiner Name	Jennifer E. Novosad	
Total Number of Pages in This Submission	28	Attorney Docket Number	D-2958RE

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	John L. James	
Signature		
Printed name	John L. James	
Date	June 6, 2007	Reg. No. 28,724

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature	<i>John L. James</i>	
Typed or printed name	John L. James	Date June 6, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/705,666
Filing Date	11/10/2003
First Named Inventor	Dennis Parham
Art Unit	3634
Examiner Name	Jennifer E. Novosad
Attorney Docket Number	D-2958RE

Enclosed is a petition filed under 37 CFR 1.47 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 200.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. _____:

☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☐ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☒ Check in the amount of \$ 200.00 is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.38(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.298 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

John L. James

Signature

John L. James

Typed or printed name

June 6, 2007

Date

28,724

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
of

Inventor(s):

Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Group Art Unit: 3634

Examiner: Novosad, J. E.

I hereby certify that this correspondence is
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MAIL STOP Reissue

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

John L. James

Name: John L. James

Registration No. 28,724

Date: June 6, 2007

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

PETITION FOR FILING BY ASSIGNEE

Applicant, Display Industries, LLC., hereby
petitions the Commissioner to accept the filing of the
above-identified U.S. Reissue Patent Application by it, as
the party to which the invention disclosed and claimed in
said Reissue Patent Application rightfully belongs, and on
behalf of and as agent for the inventor.

Affidavits are attached hereto providing proof of
the pertinent facts concerning the refusal of the inventor
to join in the present reissue application for patent and
establishing that Display Industries, LLC. has a sufficient
proprietary interest in this matter to make application on
behalf of and agent for the inventor, and showing that such

action is necessary to preserve the rights of the parties and to prevent irreparable damage.

The name and address of the inventor refusing to join in this application is as follows:

Dennis E. Parham
2509 Hollins Drive, NW
Kennesaw, Georgia 30152

The invention as described in U.S. Patent No. 6,325,221 was developed under the authorization of The Mead Corporation by Dennis E. Parham of Kennesaw, Georgia, who was employed by Mead Corporation to do so. The patent was originally assigned to The Mead Corporation and later to Display Industries, LLC., successor to the merchandising display business of The Mead Corporation.

Upon information and belief, based on the precedent which will be discussed below, Display Industries, LLC. is entitled to clear title to the invention and to the above-identified reissue patent application and any patent which issues thereon.

The Supreme Court of the United States in *Solomons v. United States*, 137 U.S. 342, 346 (1890), held:

If one is employed to devise or perfect an instrument, or a means for accomplishing a prescribed result, he cannot, after successfully accomplishing the work for which he was employed, plead title thereto as against his employer. That which he has been employed and paid to accomplish become, when accomplished, the property of his employer. Whatever rights as an individual he may have had in and to his inventive powers, and that which they are able to accomplish, he has sold in advance to his employer.

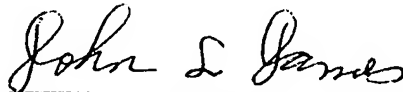
It is clear that an employee who is paid to develop an invention comes within the scope of the language cited.

Since Mr. Parham was employed by The Mead Corporation, that is, paid compensation to develop a merchandising track device of multiple-piece construction, this invention belongs to The Mead Corporation and now it's successor in interest, Display Industries, LLC., and the inventor who contributed to the development of the device has a duty to assign the invention, patent application, and any patent which issues thereon to Display Industries, LLC. and upon direction of Display Industries, LLC. execute an application therefor.

Mr. Parham left the employ of The Mead Corporation and cannot be contacted to execute the papers for filing the present reissue patent application. Display Industries, LLC. is believed to be entitled to make such application on behalf of and as agent for the inventor pursuant to 37 C.F.R. § 1.47(b).

The required fee pursuant to 37 C.F.R. § 1.17(h) is enclosed.

Respectfully submitted,



John L. James
Attorney for Applicant(s)
Registration No. 28,724

Atty Docket No. D-2958RE
Serial No.: 10/705,666
Petition
Telephone: 770-792-0360
Facsimile: 770-792-2127



REISSUE APPLICATION FEE TRANSMITTAL FORM

Docket Number (Optional)
D-2958RE

Application as Filed - Part 1

	(1) Claims in Patent	(2) Claims Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity	
				Rate (\$)	Fee (\$)	Rate (\$)	Fee (\$)
Total Claims (37 CFR 1.16(i))	(A)	(B)	**** 0 =	x =	0	x =	
Independent Claims (37 CFR 1.16(h))	(C)	(D)	* 0 =	x =	0	x =	
Application Size Fee (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					or	
Filing Fee (37 CFR 1.16(e))							
Search Fee (37 CFR 1.16(n))							
Examination Fee (37 CFR 1.16(r))							
Total Filing Fee							

Application as Amended - Part 2

	(1) Claims Remaining After Amendment	(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
				Rate (\$)	Fee (\$)	Rate (\$)	Fee (\$)
Total Claims (37 CFR 1.16(i))	*** 27	MINUS ** 22	= 0	x =	0	x =	
Independent Claims (37 CFR 1.16(h))	*** 9	MINUS ***** 8	= 0	x =	0	x =	
Application Size Fee (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				0		
Total Additional Fee					0		

* If (D) is less than (C), enter "0" in column 3. For reissues filed on or after Dec. 8, 2004, enter (D) minus 3 or "0" if (D) is less than 3.
** If the "Highest Number of Total Claims Previously Paid For" is less than 20, enter "20" in this space.
*** After any cancellation of claims.
**** If (A) is greater than 20, enter (B) - (A); if (A) is 20 or less, enter (B) - 20. For reissues filed on or after Dec. 8, 2004, enter (B) - 20.
***** For amendments filed on or after Dec. 8, 2004, enter the "Highest Number of Independent Claims Previously Paid For."
For amendments filed prior to Dec. 8, 2004, enter the higher of the Number Previously Paid or Number of Independent Claims in Patent.

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ Please charge Deposit Account No. _____ in the amount of _____.
A duplicate copy of this sheet is enclosed.

☐ The Director is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or
credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.

☐ A check in the amount of \$ _____ to cover the filing/additional fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information
should not be included on this form. Provide credit card information and authorization on PTO-2038.

John L. James
Signature

June 6, 2007
Date

John L. James
Typed or printed name

28724
Registration Number, if applicable

770-792-0360
Telephone Number

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
of

Inventor(s):
Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Group Art Unit: 3634

Examiner: Novosad, J. E.

I hereby certify that this correspondence is
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MAIL STOP Reissue

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

John L. James

Name: John L. James

Registration No. 28,724

Date: June 6, 2007

AMENDMENT

In response to the Office Action Paper No./Mail
Date 20070410, please amend the specification and claims in
the above-identified application as follows. In the
specification, after the title, please add a cross-
reference to related applications and amend paragraphs
beginning at column 2 line 47, column 3 line 37 and column
4 line 30. In the claims, please cancel claims 18-30 and
add new claims 31-35.

Specification amendments begin on page 3 of this
paper with the location of the amended portion of the
specification identified immediately preceding the
amendment.

Claim amendments are reflected in the listing of claims which begins on page 6 of this paper.

Remarks/Arguments begin on page 19 of this paper.

SPECIFICATION AMENDMENTS

In column 1, after the title of the invention and before the section
"Background of the Invention", please add the following cross-reference section:

CROSS-REFERENCE TO RELATED APPLICATIONS

5 More than one reissue application has been filed for
the reissue of Patent No. 6,325,221. The reissue
applications are the present application, 10/705,666,
11/096,232, now abandoned, and 11/096,233, now abandoned,
all of which are divisional reissues of Patent No.
10 6,325,221.

Please amend the paragraph beginning at column 2 line 47 as follows:

15 The present invention in [a] still another aspect
provides a merchandising track device comprising an
elongate body, and a front piece formed as a discrete
structure and attached to the front end of the body. The
body comprises a track base for carrying a row of articles
for sliding movement along the body, and at least one
20 article-guiding side wall upstanding from the track base
and extending along the body. The front piece provides a
stopper for preventing the leading article in the row from
exiting the track device. The front piece comprises a deck
for supporting the leading article, at least one
25 longitudinally extending upright wall upstanding from the
deck and disposed in general longitudinal alignment with
the one side wall, and locking means for interconnecting
the one upright wall and the one side wall to lock the
front piece in position relative to the body.

Please amend the paragraph beginning at column 3 line 37 as follows:

The present invention in a further aspect provides a merchandising track device comprising an elongate body and an attached front piece. The body comprises a track base for supporting a row of articles for sliding movement along the body, and a tongue extending forwardly from the track base and defining the forward end of the body. The front piece [provide] provides a stopper for the leading article in the row. The front piece comprises a deck for supporting the leading article which deck has a socket for receiving the tongue so that the deck and the track base are interconnected to form a continuous floor for slidably supporting the articles.

Please amend the paragraph beginning at column 4 line 30 as follows:

FIG. 1 illustrates a display shelf unit assembled from multiple track devices according to the present invention. This shelf unit is designed to merchandise articles C such as bottled or canned drink products. The shelf unit includes a plurality of elongate track devices 20 detachably interconnected in a side-by-side, transversely adjacent relationship. The number of [the track device] track devices 20 used to assemble the shelf unit is determined such that the size of the shelf unit is suitable for placement onto an existing display shelf in a retail store in which the unit is desired to be installed. The interconnection of two adjacent track devices is achieved by connecting means such as connector slots 80 (shown in FIG. 1) cooperating with L-shaped horizontal connector elements 82 (only one shown in FIG. 2). Details of the slots 80 and the elements 82 are described in U.S. Pat. No. 5,634,564 which is hereby incorporated by reference. Additional connecting means are provided at the front portion of each device which additional means will be described later.

CLAIM AMENDMENTS

Claim 1 (original): A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and
5 second members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one
10 article-guiding side wall upstanding from said track base of said each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending
15 upwardly above an upper edge of said one side wall of said second member, said one side wall of said second member having a cutout opening to said upper edge thereof and to opposite side surfaces thereof;

locking means integrally formed with said first member for interconnecting said one side wall of said first
20 member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one
25 side wall of said second member, said flexible overhang engages side of said one side wall of said second member with a lug formed integrally with said overhang and received in said cutout, whereby longitudinal displacement

of said one side wall of said first member relative to said
30 one side wall of said second member is prevented; and
a pair of engaging tabs provided disposed
respectively alongside said opposite side surfaces of said
one side wall of said second member with at least one of
said engaging tabs formed on said lug so that lateral
35 displacement of said one side wall of said first member
relative to said one side wall of said second member is
prevented.

Claim 2 (original): A merchandising track device
for displaying articles, said track device comprising:

an elongate body having a forward end, said body
comprising a track base for carrying a row of articles for
5 sliding movement along said body, a tongue extending
forwardly from said track base and defining said forward
end of said body, and at least one article-guiding side
wall upstanding from said track base and extending along
said body;
10 a front piece formed as a discrete structure
separate from said body and attached to said forward end of
said body to provide a stopper for preventing a leading
article in said row from exiting said track device, said
front piece comprising a deck for supporting said leading
15 article, at least one upright wall upstanding from said
deck and disposed in general longitudinal alignment with
said one side wall, said one upright wall including a
portion extending upwardly above an upper edge of said one
sidewall; and locking means for interconnecting said one
20 upright wall and said one side wall to lock said front
piece in position relative to said body, said locking means

including a flexible overhang integrally formed with said front piece and extending rearward from said portion of said one upright wall and disposed over said upper edge of said one side wall with said flexible overhang flexing to either side of said one side wall of said second member; and

a pair of engaging tabs disposed respectively alongside opposite side surfaces of said one side wall, at least one of said engaging tabs being integrally formed with said overhang, whereby lateral displacement of said one upright wall relative to said one side wall is prevented, and wherein one sidewall has a cutout opening to said upper edge and said opposite side surface thereof, and at

least one engaging tab is formed on a lug to engage in said cutout.

Claim 3 (original): The track device according to claim 2, wherein said lug has a thickness greater than a thickness of said one side wall, and both said engaging tabs are formed on said lug.

5

Claim 4 (original): The track device according to claim 2, wherein said tongue is provided with a hooking element projecting therefrom, and said deck has a strip portion having a front and rear opposed faces, said front face providing an edge for engaging said hooking element to prevent forward displacement of said front piece with respect to said body, said rear face sloping to facilitate insertion of said tongue into said socket.

Claim 5 (original): The track device according to claim 4, wherein said engaging edge of said deck extends transversely of said body.

Claim 6 (original): The track device according to claim 5, wherein said strip portion is provided by said lower wall and extends transversely of said body, said rear face of said strip portion sloping downwardly and rearwardly, said hooking element projecting downwardly from a lower surface of said tongue.

Claim 7 (original): The track device according to claim 4, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial flexibility, and said one of said plural portions is provided with said hooking element.

Claim 8 (original): The track device according to claim 2, wherein said engaging tabs are disposed with a lateral gap therebetween to receive in said gap an edge of said one sidewall.

Claim 9 (original): The track device according to claim 8, wherein said engaging tabs are opposed to each other across a thickness of said one side wall.

Claim 10 (original): The track device according to claim 8, wherein said engaging tabs are disposed at positions offset from each other along a length of said one side wall.

Claim 11 (original): The track device according to claim 2, wherein said body and said front piece are formed from different material.

Claim 12 (original): The track device according to claim 11, wherein said body is molded of polystyrene, and said front piece is molded of polycarbonate.

Claim 13 (original): The track device according to claim 2, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial
5 flexibility, and said one of said plural portions is provided with said hooking element.

Claim 14 (original): A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and
5 second members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one
article-guiding side wall upstanding from said track base
10 of said each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending
upwardly above an upper edge of said one side wall of said
15 second member, said one side wall of said second member

having a cutout opening to said upper edge thereof and to opposite side surfaces thereof;

said second member comprising a tongue extending longitudinally from said track base of said second member, said tongue defining an end of said second member, said first member having an end-opening socket for receiving said tongue so that said track bases of said first and second members are interconnected, said tongue being formed on said track base of said second member such that an upper surface of said tongue is disposed below an upper surface of said track base of said second member to allow said upper surface of said track base of said second member and an upper surface of said track base of said first member to form a continuous floor for slidably supporting said articles, wherein said track base of said first member comprises upper and lower opposed walls, and said socket is defined between said upper and lower walls; and

locking means integrally formed with said first member for interconnecting said one side wall of said first member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one side wall of said second member with said flexible overhang flexing to either side of said one side wall of said second member, and a lug with tabs formed integrally with and extending from said overhang and received in said cutout, whereby longitudinal displacement of said one side wall of said first member relative to said one side wall of said second member is prevented.

Claim 15 (original): The track device according to claim 14, wherein said tongue is provided with a hooking element projecting therefrom, and said track base of said first member has a strip portion having a front and rear
5 opposed faces, said front face providing an edge for engaging said hooking element to prevent longitudinal displacement of said first member with respect to said second member, said rear face sloping to facilitate insertion of said tongue into said socket.

10

Claim 16 (original): A merchandising track device for displaying articles, said track device comprising:

an elongate body having a forward end, said body comprising a track base for carrying a row of articles for
5 sliding movement along said body, a tongue extending forwardly from said track base and defining said forward end of said body, and at least one article-guiding side wall upstanding from said track base and extending along said body; and

10 a front piece formed as a discrete structure separate from said body and attached to said forward end of said body to provide a stopper for preventing a leading article in said row from exiting said track device, said front piece comprising a deck for supporting said leading
15 article, said deck having a socket for receiving said tongue so that said deck and said track base are interconnected, said tongue being formed on said track base such that an upper surface of said tongue is disposed below an upper surface of said track base to allow said upper
20 surface of said track base and an upper surface of said

deck to form a continuous floor for slidably supporting
said articles, at least one upright wall upstanding from
said deck and disposed in general longitudinal alignment
with said one side wall, said one upright wall including a
25 portion extending upwardly above an upper edge of said one
sidewall; and locking means integrally formed with said
front piece for interconnecting said one upright wall with
said one side wall to lock said front piece in position
relative to said body, said locking means including a
30 flexible overhang extending rearward from said portion of
said one upright wall and disposed over said upper edge of
said one side wall having said cutout, said flexible
overhang flexing to either side of said one side wall of
said second member; and
35 a pair of engaging tabs disposed respectively
alongside opposite side surfaces of said one side wall in a
cutout with at least one of said engaging tabs being
integrally formed with said overhang so that lateral
displacement of said one upright wall relative to said one
40 side wall is prevented.

Claim 17 (original): The track device according to
claim 16, wherein said tongue is provided with a hooking
element projecting therefrom, and said deck has a strip
portion having front and rear opposed faces, said front
5 face providing an edge for engaging said hooking element to
prevent forward displacement of said front piece with
respect to said body, said rear face sloping to facilitate
insertion of said tongue into said socket.

Claims 18-30 (cancelled).

Claim 31 (new): A front panel assembly for a merchandising display track device, said track device being adapted to receive a row of articles for sliding movement therealong, said front panel assembly, comprising:

5 a base adapted to receive said row of articles from said track device for sliding movement therealong;

a first upstanding vertical member having a top end portion, a bottom end portion and a front edge, said first vertical member being permanently connected along its

10 bottom end portion to said base;

a first face member connected to said front edge of said first vertical member, said first face member extending laterally a preselected distance from said first vertical member toward said second vertical member;

15 a second upstanding vertical member having a top end portion, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and permanently connected along its bottom end portion to said base;

20 a second face member connected to said front edge of said second vertical member, said second face member extending laterally a preselected distance from said second vertical member toward said first vertical member;

an elongate connecting member having a first end

25 connected to said top end portion of said first vertical member and a second end portion connected to said top end portion of said second vertical member, said connecting member curving outwardly away from said vertical members;

and

30 means for detachably attaching said front panel assembly to said track device.

Claim 32 (new): A front panel, as set forth in claim 31, wherein said first and second face members are connected to said base.

Claim 33 (new): A front panel assembly for a merchandising display track device, said track device having a track base adapted to receive a row of articles for sliding movement therealong and a vertical member
5 extending along said track base, said vertical member having a cutout opening to an upper edge thereof and to opposite side surfaces thereof, said front panel assembly, comprising:

a floor deck adapted to receive said row of articles from said track base for sliding movement therealong;
10 means for detachably attaching said floor deck to said track base;

a first upstanding vertical member having a top end, a bottom end portion and a front edge, said first vertical
15 member being permanently connected along its bottom end portion to said floor deck;

a second upstanding vertical member having a top end, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first
20 vertical member and permanently connected along its bottom end portion to said floor deck;

an elongate connecting member having a first end connected to said top end of said first vertical member and a second end portion connected to said top end of said

25 second vertical member, said connecting member curving
outwardly away from said vertical members;

locking means integrally formed with one of said
first and second vertical members for interconnecting said
vertical member of said track device and said one vertical
30 member to lock said vertical members in position relative
to each other, said locking means comprising a flexible
overhang extending rearward from said one vertical member
and adapted to be disposed over said cutout so that said
flexible overhang engages a side of said vertical member of
35 said track device with a lug formed integrally with said
flexible overhang and received in said cutout thereby
preventing longitudinal displacement of said front panel
assembly relative to said track; and

a pair of engaging tabs disposed respectively
40 alongside said opposite side surfaces of said vertical
member of said track device with at least one of said of
said engaging tabs formed on said lug so that lateral
displacement of said one vertical member relative to said
track device is prevented.

45

Claim 34 (new): A front panel assembly for a
merchandising display track device, said track device being
adapted to receive rows of articles for sliding movement
therealong, said front panel assembly, comprising:

5 a base adapted to receive said rows of articles from
said track device for sliding movement therealong;

a first upstanding vertical member having a top end
portion, a bottom end portion and a front edge, said first
vertical member being permanently connected along its
10 bottom end portion to said base;

a second upstanding vertical member having a top end portion, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and permanently connected along its bottom
15 end portion to said base;

a third upstanding vertical member having a top end portion, a bottom end portion and a front edge, said third vertical member being laterally spaced from said second vertical member and permanently connected along its bottom
20 end portion to said base, said second vertical member being intermediate said first and third vertical members;

a first face member having a top end portion and a bottom end portion and being connected to said front edge of said first vertical member, said first face member
25 extending laterally a preselected distance from said first vertical member toward said second vertical member;

a second face member having a top end portion and a bottom end portion and being connected to said front edge of said second vertical member, said second face member
30 extending laterally a preselected distance from said second vertical member toward said first vertical member and extending laterally a preselected distance from said second vertical member toward said third vertical member; and

a third face member having a top end portion and a bottom end portion and being connected to said front edge of said third vertical member, said third face member
35 extending laterally a preselected distance from said third vertical member toward said second vertical member;

a first elongate connecting member having a first
40 end connected to said top end portion of said first vertical member and a second end portion connected to said

top end portion of said second vertical member, said first connecting member curving outward away from said first and second vertical members;

45 a second elongate connecting member having a first end connected to said top end portion of said second vertical member and a second end portion connected to said top end portion of said third vertical member, said second connecting member curving outward away from said second and
50 third vertical members; and

means for detachably attaching said front panel assembly to said track device.

Claim 35 (new): A front panel, as set forth in claim 34, wherein said first, second and third face members are connected to said base.

REMARKS

This paper merges the allowed claims from the now abandoned divisional reissue applications 11/096,232, and 11/096,233, into original reissue application Serial No. 10/705,666 as new claims 31-35. New claims 31-35 are word for word exactly the same as previously allowed claims 25-27 and 29-30. The allowed claims are 1-17, and 31-35. Claims 18-30 have been cancelled.

Cancelled claims 29-30 were incorrectly numbered as 29 and 30. There was never a claim 28. This amendment corrects the error.

The divisional child applications are now appropriately referenced in the specification.

A petition is being filed herewith along with affidavits and a supplemental declaration.

This amendment encompasses the prior improper amendments and presents the amendments with underlining and brackets as required.

In view of the foregoing , the reissue application is in condition for allowance and such favorable action is courteously solicited.

Respectfully submitted,



John L. James
Attorney for Applicant(s)
Registration No. 28,724

Atty Docket No. D-2958RE
Serial No.: 10/705,666
Merger Amendment
Telephone: 770-792-0360
Facsimile: 770-792-2127



Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

Dennis E. Parham

Serial No.: 10/705,666

Filed: November 10, 2003

For: Merchandising Display

Track Device Of Multiple-Piece Construction

Group Art Unit: 3634

Examiner: Novosad, J. E.

Confirmation No.: 5356

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL DECLARATION

I hereby declare that:

1. Every error in the patent corrected in the present reissue application, and not covered by the prior oath(s) and/or declaration(s) submitted with this application, arose without any deceptive intention on the part of the applicant.


2. An error in the original patent, US Patent No. 6,325,221, was claiming less than entitled to claim in original claims 1-17. Independent claims 1, 2, 14 and 16 are directed to a track device having several parts including elongated track members. Claims 1 and 14 are directed to a track device generally having track segments with longitudinal connections. Claims 2 and 16 are directed to a track device generally having track segments and a front piece.

3. Claims 25-29 correct the original claims by claiming the front piece alone; that is, without also claiming all the structure of the track device to which the front panel assembly attaches. Claims 25-29 thus broaden the definition of the invention.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

For the Assignee,

5/31/07
Date


Mark A. Higgins
President
Display Industries, LLC.



Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

Dennis E. Parham

Serial No.: 10/705,666

Filed: November 10, 2003

For: Merchandising Display

Track Device Of Multiple-Piece

Construction

Group Art Unit: 3634

Examiner: Novosad, J. E.

Confirmation No.: 5356

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

AFFIDAVIT OF MARK A. HIGGINS

State of Georgia)
)ss:
County of Gwinnett)

Mark A. Higgins, being duly sworn, and having personal knowledge of the facts set forth herein, hereby deposes and says that:

1. I am president of Display Industries, LLC., which was created in 1998 and is successor to the display business of The Mead Corporation..

2. Prior to 1998 Mr. Dennis E. Parham and I were employed by The Mead Corporation.

3. While employed by The Mead Corporation Mr. Parham and I worked together for a number of years to manufacture and market various merchandising display products.

4. The invention described in U.S. Patent No. 6,325,221 was developed by Mr. Parham who was employed by Mead Corporation to do so.

5. During the 1990s The Mead Corporation divested itself of several of its businesses, and in 1998 divested itself of its display business which is now Display Industries, LLC.

6. While rumors of the divestment of the display business were circulating, Mr. Parham became quite concerned and eventually disgruntled.

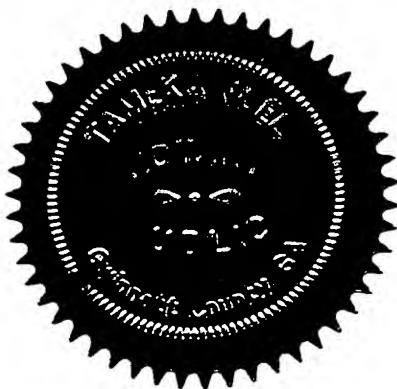
7. Prior to the divestment, when the divestment was imminent, Mr. Parham left The Mead Corporation disgruntled, presumably to work for a competitor to the display business of The Mead Corporation and therefore a direct competitor to Display Industries, LLC.

8. At the time of Mr. Parham's departure, cordial personal and business relationships did not exist, cordial personal and business relationships have not since existed, and today no relationship exists.

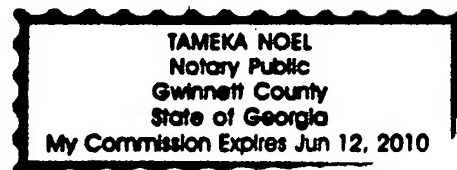
9. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the reissue patent application or any patent issued thereon.


Mark A. Higgins

On this 31 day of May, 2007, before me, a Notary Public for the above County and State, personally appeared Mark A. Higgins, known to me or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument.




Notary Public





Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

Dennis E. Parham

Serial No.: 10/705,666

Filed: November 10, 2003

For: Merchandising Display

Track Device Of Multiple-Piece

Construction

Group Art Unit: 3634

Examiner: Novosad, J. E.

Confirmation No.: 5356

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

AFFIDAVIT OF JAMES DAVID ROBERTSON

State of Georgia)
)ss:
County of Gwinnett)

James David Robertson, being duly sworn, and having personal knowledge of the facts set forth herein, hereby deposes and says that:

1. I am a designer employed by Display industries, LLC. which was created in 1998 and is successor to the display business of The Mead Corporation.

2. Prior to 1998 Mr. Dennis E. Parham and I were employed by The Mead Corporation.

3. While employed by The Mead Corporation Mr. Parham and I worked on projects together or in collaboration for eight years.

4. The invention described in U.S. Patent No. 6,325,221 was developed by Mr. Parham who was employed by The Mead Corporation to do so.

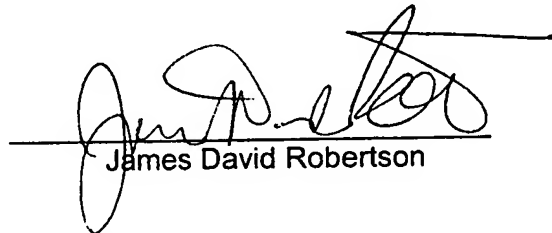
5. During the 1990s The Mead Corporation divested itself of several of its businesses, and in 1998 divested itself of its display business which is now Display Industries, LLC.

6. While rumors of the divestment of the display business were circulating, Mr. Parham became quite concerned and eventually disgruntled.

7. Prior to the divestment, when the divestment was imminent, Mr. Parham left The Mead Corporation disgruntled, presumably to work for a competitor to the display business of The Mead Corporation and therefore a direct competitor to Display Industries, LLC.


8. At the time of Mr. Parham's departure, cordial personal and business relationships did not exist, cordial personal and business relationships have not since existed, and today no relationship exists.

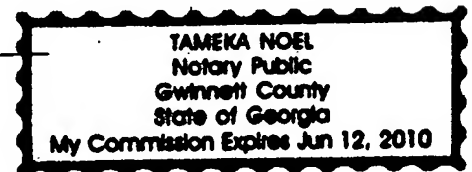
9. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the reissue patent application or any patent issued thereon.


James David Robertson

On this 29 day of May, 2007, before me, a Notary Public for the above County and State, personally appeared James David Robertson, known to me or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument.




Notary Public





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/705,666

11/10/2003

Dennis E. Parham

D2958RE

5356

26829 7590

04/18/2007

JOHN L. JAMES

P.O. BOX 2025

MARIETTA, GA 30061-2025

EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT

PAPER NUMBER

3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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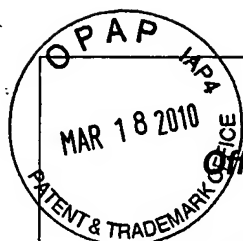
3 MONTHS

04/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



Office Action Summary

Application No.	Applicant(s)	
10/705,666	PARHAM, DENNIS E.	
Examiner	Art Unit	
Jennifer E. Novosad	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-30 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/10/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This non-final Office action is in response to the amendment filed December 29, 2006 by which claims 29 and 30 were added. It is noted that there was no claim 28 filed and thus claims 29 and 30 should have properly been deemed as claims 28 and 29.

This reissue application contains the following informalities:

(a) Child applications, i.e., 11/096,232 and 11/096,233, must be referenced in the specification.

(b) The claims have been broadened. While the assignee signed declaration can serve as a consent, it cannot serve as a proper declaration in a broadened reissue. The declarations filed under 1.132 originally do nothing to alleviate this. *Thus*, the declaration is deemed to be improper absent the filing and granting of a petition filed under 37 CFR 1.47.

(c) Every amendment, i.e., including the specification and claims, is deemed to be improper as not complying with 37 CFR 1.173, e.g., applicant should submit an amendment canceling claims 18-30 and the amended portions of the specification and provide an all encompassing amendment commencing with the next highest claim number and amendments to the specification in compliance with 37 CFR 1.173.

Allowable Subject Matter

Barring the above informalities, claims 1-30 are deemed to be allowable.

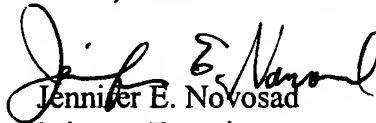
Art Unit: 3634

Conclusion

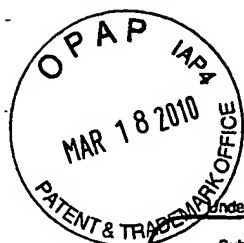
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 5:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

April 10, 2007



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2**Complete if Known**

Application Number	10/705,666
Filing Date	11/10/2003
First Named Inventor	Dennis E. Parham
Art Unit	3634
Examiner Name	Khoa Tran J. E. Novosad
Attorney Docket Number	D-2958RE

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
JEN		US- 6,189,734 B1	02-20-2001	Apps et al.	
		US- 6,142,316	11-07-2000	Harbour et al.	
		US- 5,971,204	10-26-1999	Apps	
		US- 5,862,923	01-26-1999	Nordquist et al.	
		US- 5,788,091	08-04-1998	Robertson et al.	
		US- 5,685,664	11-11-1997	Parham et al.	
		US- 5,645,176	07-08-1997	Jay	
		US- 5,634,564	06-03-1997	Spamer et al.	
		US- 5,595,310	01-21-1997	Spamer et al.	
		US- 5,562,217	10-08-1996	Salveson et al.	
		US- 5,542,552	08-06-1996	Yablans et al.	
		US- 5,531,336	07-02-1996	Parham et al.	
		US- 5,458,248	10-17-1995	Alain	
		US- 5,351,838	10-04-1994	Flum	
		US- 5,314,081	05-24-1994	Carroll	
		US- 5,240,126	08-31-1993	Foster et al.	
		US- 5,203,463	04-20-1993	Gold	
		US- 5,160,051	11-03-1992	Bustos	
JEN		US- 5,050,748	09-24-1991	Taub	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁴
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner Signature	/Jennifer E. Novosad/	Date Considered	02/12/2007
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 2 of 2**Complete if Known**

Application Number	10/705,666
Filing Date	11/10/2003
First Named Inventor	Dennis E. Parham
Art Unit	3634
Examiner Name	Khee-Fren J. E. Novosad
Attorney Docket Number	D-2958RE

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
JEN		US- 5,024,336	06-18-1991	Spamer	
		US- 4,997,094	03-05-1991	Spamer et al.	
		US- 4,958,739	09-25-1990	Spamer	
		US- 4,836,390	06-06-1989	Polvere	
		US- 4,785,945	11-22-1988	Rowse et al.	
		US- 4,762,236	08-09-1988	Jackle III et al	
		US- 4,730,741	03-15-1988	Jackle III et al.	
		US- 4,724,968	02-16-1988	Wombacher	
		US- 4,685,574	08-11-1987	Young et al.	
		US- 4,630,739	12-23-1986	Levenberg	
		US- 4,478,337	10-23-1984	Flum	
		US- 4,205,763	06-03-1980	Merl	
		US- 2,218,444	10-15-1940	Vineyard	
		US- Des. 401,436	11-24-1998	Jay	
JEN		US- 2001/0020606 A1	09-13-2001	Battaglia et al.	
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ^d
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner Signature	/Jennifer E. Novosad/	Date Considered	02/12/2007
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
of

Inventor(s):
Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Group Art Unit: 3634

Examiner: Novosad, J. E.

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Name: John L. James
Registration No. 28,724
Date: December 1, 2006

MERGER

Pursuant to telephone interview of November 30, 2006,
wherein claims pending in divisional reissue application Serial
No. 11/096,232 were indicated as be allowable, please merge
claims 22 and 24 from application Serial No. 11/096,232 into the
above-identified application as new claims 29 and 30.
Application Serial No. 11/096,232 is being abandoned by separate
letter.

Claim amendments are reflected in the listing of claims
which begins on page 2 of this paper.

Remarks/Arguments begin on page 15 of this paper.

A draft supplemental declaration is attached following
page 15 of this paper. An executed version to follow when
signed by the Assignee.

CLAIM AMENDMENTS

Claim 1 (original): A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and
5 second members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one
10 article-guiding side wall upstanding from said track base of said each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending
upwardly above an upper edge of said one side wall of said
15 second member, said one side wall of said second member having a cutout opening to said upper edge thereof and to opposite side surfaces thereof;

locking means integrally formed with said first member for interconnecting said one side wall of said first
20 member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one
25 side wall of said second member, said flexible overhang engages side of said one side wall of said second member with a lug formed integrally with said overhang and received in said cutout, whereby longitudinal displacement

of said one side wall of said first member relative to said
30 one side wall of said second member is prevented; and

a pair of engaging tabs provided disposed
respectively alongside said opposite side surfaces of said
one side wall of said second member with at least one of
said engaging tabs formed on said lug so that lateral
35 displacement of said one side wall of said first member
relative to said one side wall of said second member is
prevented.

Claim 2 (original): A merchandising track device
for displaying articles, said track device comprising:

an elongate body having a forward end, said body
comprising a track base for carrying a row of articles for
5 sliding movement along said body, a tongue extending
forwardly from said track base and defining said forward
end of said body, and at least one article-guiding side
wall upstanding from said track base and extending along
said body;

10 a front piece formed as a discrete structure
separate from said body and attached to said forward end of
said body to provide a stopper for preventing a leading
article in said row from exiting said track device, said
front piece comprising a deck for supporting said leading
15 article, at least one upright wall upstanding from said
deck and disposed in general longitudinal alignment with
said one side wall, said one upright wall including a
portion extending upwardly above an upper edge of said one
sidewall; and locking means for interconnecting said one
20 upright wall and said one side wall to lock said front
piece in position relative to said body, said locking means

including a flexible overhang integrally formed with said front piece and extending rearward from said portion of said one upright wall and disposed over said upper edge of
25 said one side wall with said flexible overhang flexing to either side of said one side wall of said second member;
and

a pair of engaging tabs disposed respectively alongside opposite side surfaces of said one side wall, at
30 least one of said engaging tabs being integrally formed with said overhang, whereby lateral displacement of said one upright wall relative to said one side wall is prevented, and wherein one sidewall has a cutout opening to said upper edge and said opposite side surface thereof, and
35 at

least one engaging tab is formed on a lug to engage in said cutout.

Claim 3 (original): The track device according to claim 2, wherein said lug has a thickness greater than a thickness of said one side wall, and both said engaging tabs are formed on said lug.

5

Claim 4 (original): The track device according to claim 2, wherein said tongue is provided with a hooking element projecting therefrom, and said deck has a strip portion having a front and rear opposed faces, said front
5 face providing an edge for engaging said hooking element to prevent forward displacement of said front piece with respect to said body, said rear face sloping to facilitate insertion of said tongue into said socket.

Claim 5 (original): The track device according to claim 4, wherein said engaging edge of said deck extends transversely of said body.

Claim 6 (original): The track device according to claim 5, wherein said strip portion is provided by said lower wall and extends transversely of said body, said rear face of said strip portion sloping downwardly and
5 rearwardly, said hooking element projecting downwardly from a lower surface of said tongue.

Claim 7 (original): The track device according to claim 4, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial
5 flexibility, and said one of said plural portions is provided with said hooking element.

Claim 8 (original): The track device according to claim 2, wherein said engaging tabs are disposed with a lateral gap therebetween to receive in said gap an edge of said one sidewall.

5

Claim 9 (original): The track device according to claim 8, wherein said engaging tabs are opposed to each other across a thickness of said one side wall.

Claim 10 (original): The track device according to claim 8, wherein said engaging tabs are disposed at positions offset from each other along a length of said one side wall.

Claim 11 (original): The track device according to claim 2, wherein said body and said front piece are formed from different material.

Claim 12 (original): The track device according to claim 11, wherein said body is molded of polystyrene, and said front piece is molded of polycarbonate.

Claim 13 (original): The track device according to claim 2, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial
5 flexibility, and said one of said plural portions is provided with said hooking element.

Claim 14 (original): A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and
5 second members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one
10 article-guiding side wall upstanding from said track base of said each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending
15 upwardly above an upper edge of said one side wall of said second member, said one side wall of said second member

having a cutout opening to said upper edge thereof and to opposite side surfaces thereof;

said second member comprising a tongue extending longitudinally from said track base of said second member, said tongue defining an end of said second member, said first member having an end-opening socket for receiving said tongue so that said track bases of said first and second members are interconnected, said tongue being formed on said track base of said second member such that an upper surface of said tongue is disposed below an upper surface of said track base of said second member to allow said upper surface of said track base of said second member and an upper surface of said track base of said first member to form a continuous floor for slidably supporting said articles, wherein said track base of said first member comprises upper and lower opposed walls, and said socket is defined between said upper and lower walls; and

locking means integrally formed with said first member for interconnecting said one side wall of said first member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one side wall of said second member with said flexible overhang flexing to either side of said one side wall of said second member, and a lug with tabs formed integrally with and extending from said overhang and received in said cutout, whereby longitudinal displacement of said one side wall of said first member relative to said one side wall of said second member is prevented.

Claim 15 (original): The track device according to claim 14, wherein said tongue is provided with a hooking element projecting therefrom, and said track base of said first member has a strip portion having a front and rear
5 opposed faces, said front face providing an edge for engaging said hooking element to prevent longitudinal displacement of said first member with respect to said second member, said rear face sloping to facilitate insertion of said tongue into said socket.

10

Claim 16 (original): A merchandising track device for displaying articles, said track device comprising:

an elongate body having a forward end, said body comprising a track base for carrying a row of articles for
5 sliding movement along said body, a tongue extending forwardly from said track base and defining said forward end of said body, and at least one article-guiding side wall upstanding from said track base and extending along said body; and

10 a front piece formed as a discrete structure separate from said body and attached to said forward end of said body to provide a stopper for preventing a leading article in said row from exiting said track device, said front piece comprising a deck for supporting said leading
15 article, said deck having a socket for receiving said tongue so that said deck and said track base are interconnected, said tongue being formed on said track base such that an upper surface of said tongue is disposed below an upper surface of said track base to allow said upper
20 surface of said track base and an upper surface of said

deck to form a continuous floor for slidably supporting
said articles, at least one upright wall upstanding from
said deck and disposed in general longitudinal alignment
with said one side wall, said one upright wall including a
25 portion extending upwardly above an upper edge of said one
sidewall; and locking means integrally formed with said
front piece for interconnecting said one upright wall with
said one side wall to lock said front piece in position
relative to said body, said locking means including a
30 flexible overhang extending rearward from said portion of
said one upright wall and disposed over said upper edge of
said one side wall having said cutout, said flexible
overhang flexing to either side of said one side wall of
said second member; and
35 a pair of engaging tabs disposed respectively
alongside opposite side surfaces of said one side wall in a
cutout with at least one of said engaging tabs being
integrally formed with said overhang so that lateral
displacement of said one upright wall relative to said one
40 side wall is prevented.

Claim 17 (original): The track device according to
claim 16, wherein said tongue is provided with a hooking
element projecting therefrom, and said deck has a strip
portion having front and rear opposed faces, said front
5 face providing an edge for engaging said hooking element to
prevent forward displacement of said front piece with
respect to said body, said rear face sloping to facilitate
insertion of said tongue into said socket.

Claims 18-24 (cancelled).

Claim 25 (previously presented): A front panel assembly for a merchandising display track device, said track device being adapted to receive a row of articles for sliding movement therealong, said front panel assembly,

5 comprising:

a base adapted to receive said row of articles from said track device for sliding movement therealong;

a first upstanding vertical member having a top end portion, a bottom end portion and a front edge, said first
10 vertical member being permanently connected along its bottom end portion to said base;

a first face member connected to said front edge of said first vertical member, said first face member extending laterally a preselected distance from said first
15 vertical member toward said second vertical member;

a second upstanding vertical member having a top end portion, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and permanently connected along its bottom
20 end portion to said base;

a second face member connected to said front edge of said second vertical member, said second face member extending laterally a preselected distance from said second vertical member toward said first vertical member;

25 an elongate connecting member having a first end connected to said top end portion of said first vertical member and a second end portion connected to said top end portion of said second vertical member, said connecting member curving outwardly away from said vertical members;

30 and

means for detachably attaching said front panel assembly to said track device.

Claim 26 (previously presented): A front panel, as set forth in claim 25, wherein said first and second face members are connected to said base.

Claim 27 (previously presented): A front panel assembly for a merchandising display track device, said track device having a track base adapted to receive a row of articles for sliding movement therealong and a vertical member extending along said track base, said vertical member having a cutout opening to an upper edge thereof and to opposite side surfaces thereof, said front panel assembly, comprising:

a floor deck adapted to receive said row of articles from said track base for sliding movement therealong;

means for detachably attaching said floor deck to said track base;

a first upstanding vertical member having a top end, a bottom end portion and a front edge, said first vertical member being permanently connected along its bottom end portion to said floor deck;

a second upstanding vertical member having a top end, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and permanently connected along its bottom end portion to said floor deck;

an elongate connecting member having a first end connected to said top end of said first vertical member and a second end portion connected to said top end of said

25 second vertical member, said connecting member curving
outwardly away from said vertical members;

locking means integrally formed with one of said
first and second vertical members for interconnecting said
vertical member of said track device and said one vertical
30 member to lock said vertical members in position relative
to each other, said locking means comprising a flexible
overhang extending rearward from said one vertical member
and adapted to be disposed over said cutout so that said
flexible overhang engages a side of said vertical member of
35 said track device with a lug formed integrally with said
flexible overhang and received in said cutout thereby
preventing longitudinal displacement of said front panel
assembly relative to said track; and

a pair of engaging tabs disposed respectively
40 alongside said opposite side surfaces of said vertical
member of said track device with at least one of said of
said engaging tabs formed on said lug so that lateral
displacement of said one vertical member relative to said
track device is prevented.

45

Claim 29 (New): A front panel assembly for a
merchandising display track device, said track device being
adapted to receive rows of articles for sliding movement
therealong, said front panel assembly, comprising:

5 a base adapted to receive said rows of articles from
said track device for sliding movement therealong;

a first upstanding vertical member having a top end
portion, a bottom end portion and a front edge, said first
vertical member being permanently connected along its
10 bottom end portion to said base;

a second upstanding vertical member having a top end portion, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and permanently connected along its bottom
15 end portion to said base;

a third upstanding vertical member having a top end portion, a bottom end portion and a front edge, said third vertical member being laterally spaced from said second vertical member and permanently connected along its bottom
20 end portion to said base, said second vertical member being intermediate said first and third vertical members;

a first face member having a top end portion and a bottom end portion and being connected to said front edge of said first vertical member, said first face member
25 extending laterally a preselected distance from said first vertical member toward said second vertical member;

a second face member having a top end portion and a bottom end portion and being connected to said front edge of said second vertical member, said second face member
30 extending laterally a preselected distance from said second vertical member toward said first vertical member and extending laterally a preselected distance from said second vertical member toward said third vertical member; and

a third face member having a top end portion and a bottom end portion and being connected to said front edge of said third vertical member, said third face member
35 extending laterally a preselected distance from said third vertical member toward said second vertical member;

a first elongate connecting member having a first
40 end connected to said top end portion of said first vertical member and a second end portion connected to said

top end portion of said second vertical member, said first connecting member curving outward away from said first and second vertical members;

45 a second elongate connecting member having a first end connected to said top end portion of said second vertical member and a second end portion connected to said top end portion of said third vertical member, said second connecting member curving outward away from said second and
50 third vertical members; and

 means for detachably attaching said front panel assembly to said track device.

 Claim 30 (New): A front panel, as set forth in claim 29, wherein said first, second and third face members are connected to said base.

REMARKS

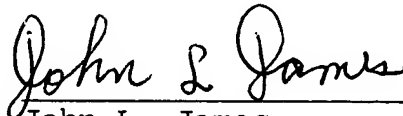
This paper merges claims 22 and 24 of divisional reissue application Serial No. 11/096,232 into reissue application Serial No. 10/705,666 as new claims 29 and 30. New claims 29 and 30 are word for word exactly the same as claims 22 and 24 which were allowed in the divisional reissue application.

An express abandonment of the divisional reissue application is submitted herewith on form PTO/SB/24. After acceptance of the express abandonment, reissue application Serial No. 10/705,666 will be the only application pending. Claims 1-17 and 25-30 are present in the application. Claims 18-24 have been cancelled.

A supplemental declaration in draft form setting forth the errors corrected is attached hereto to expedite disposition of the application. A supplemental declaration executed by the assignee will be forwarded as soon as possible.

In view of the foregoing , the reissue application is in condition for allowance and such favorable action is courteously solicited.

Respectfully submitted,



John L. James

Attorney for Applicant(s)

Registration No. 28,724

Atty Docket No. D-2958RE
Serial No.: 10/705,666
Merger Amendment
Telephone: 770-792-0360
Facsimile: 770-792-2127



Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
of

Inventor(s):

Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Group Art Unit: 3634

Examiner: Novosad, J. E.

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Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Name: John L. James
Registration No. 28,724

Date:

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL DECLARATION

I hereby declare that:

Every error in the patent which was corrected in the
present reissue application, and which is not covered by the
prior oath(s) and/or declaration(s) submitted with this
application, arose without any deceptive intention on the part
of the applicant.

An error in the original patent, US Patent No. 6,325,221,
was claiming less than entitled to claim in original claims
1-17. Independent claims 1, 2, 14 and 16 are directed to a
track device having several parts including elongated track
members. Claims 1 and 14 are directed to a track device
generally having track segments with longitudinal connections.

Claims 25-30 correct the original claims by claiming the front piece alone; that is, without also claimjng all the structure of the track device to which the front panel assembly attaches. Claims 25-30 thus broaden the defiintion of the invention.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

For the Assignee,

Date

Mark A. Higgins
President
Display Industries, LLC.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,666	11/10/2003	Dennis E. Parham	D2958RE	5356

26829 7590 10/11/2006

JOHN L. JAMES

P.O. BOX 2025

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EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 10/11/2006



Please find below and/or attached an Office communication concerning this application or proceeding.

Letter of Suspension

This letter is in response to the communication filed April 20, 2006 by which applicant added claims 25-27, i.e., these claims were merged with this application under 37 CFR 1.177(c). It is noted claims 25-27 are identical to claims 18, 20, and 21 which were indicated to be allowable in divisional reissue Application No. 11/096,233. It is further noted that a Notice of Abandonment for Application No. 11/096,233 has been sent to applicant.

Accordingly, claims 1-17 and 25-27 are deemed to be allowable. Claims 18-24 stand withdrawn as being drawn to non-elected inventions.

It is noted that on January 13, 2006, prosecution in this application, i.e., 10/705,666, was suspended for a period of six (6) months, per the reasons set forth below. That period for suspension has now expired.

Although this application, i.e., 10/705,666, contains allowed claims, since divisional reissue Application No. 11/096,232, claiming priority to this application, i.e., 10/705,666, has not been deemed allowable, further examination of this (first) reissue application, i.e., 10/705,666, has been suspended for another period of SIX (6) months.

Once the divisional reissue application, i.e., 11/096,232, becomes allowable, the examiner will issue another requirement under 37 CFR 1.177(c) for applicant to merge the claims of the suspended first reissue application, i.e., 10/705,666, with the allowable claims of the divisional reissue application into a single application, by placing all of the claims in one of the applications and expressly abandoning the other.

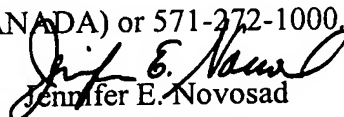
If the divisional reissue application becomes abandoned, prosecution will be reopened in the suspended first reissue application, i.e., 10/705,666

As with all suspensions, it is applicant's responsibility to call to the attention of the Office and the examiner that the suspension period is drawing to an end.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

September 19, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/096,233	03/31/2005	Dennis E. Parham	D-2958RE-DI	2330

7590

09/26/2006

John L James
PO Box 2025
Marietta, GA 30061

EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT	PAPER NUMBER
----------	--------------

3634

DATE MAILED: 09/26/2006



Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

11/096,233

Examiner

Jennifer E. Novosad

Applicant(s)

PARHAM, DENNIS E.


Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09 February 2006.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Jennifer E. Novosad
Primary Examiner
Art Unit: 3634

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



RECORD OF CONVERSATION

WITH: Jennifer Novack FILE: D-2958RE

BY: J.L. James DATE: 9/19/06 TIME: _____

TELEPHONE: _____ I CALLED: _____ CALLED ME: ☒

PERSONAL CONFERENCE: _____ PLACE: _____

NOTES: Has requested case be assigned to her,
Case not earlier assigned.
Once assigned, should proceed promptly,



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,666	11/10/2003	Dennis E. Parham	D2958RE	5356

26829 7590 04/07/2006

JOHN L. JAMES
P.O. BOX 2025
MARIETTA, GA 30061-2025

EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT PAPER NUMBER

3634

DATE MAILED: 04/07/2006



Please find below and/or attached an Office communication concerning this application or proceeding.

JOHN LEWIS JAMES 04-98
Attorney at Law
316 Alexander Street, Suite 1
Marietta, GA 30060
770-792-0360

4260

4/5/10

April 17 2006

PAY-TO-THE
ORDER OF

Commissioner for Patents

\$ 275.00

Two hundred seventy five and no/100

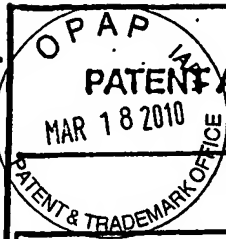
DOLLARS

Bank of America
140 Cherokee Street
Marietta, GA 30060

FOR 10/705,666 D-2958-RE

John L. James

10042601 10610000521 0001090216311



PATENT APPLICATION FEE DETERMINATION RECORD

Effective December 8, 2004

10/705666

CLAIMS AS FILED - PART I

(Column 1) (Column 2)

TOTAL CLAIMS		
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	minus 20=	*
INDEPENDENT CLAIMS	minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

And
3-27-06
CLAIMS AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	* 27	Minus	** 24	= 3
	Independent	* 9	Minus	*** 7	= 2
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>				

one

AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus	**	=
	Independent	*	Minus	***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>				

AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus	**	=
	Independent	*	Minus	***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>				

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE		RATE	FEE
BASIC FEE	150.00	OR	BASIC FEE	300.00
X\$ 25=		OR	X\$50=	
X100=		OR	X200=	
+180=		OR	+360=	
TOTAL		OR	TOTAL	

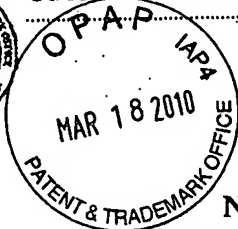
SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 25=	75.00	OR	X\$50=	
X100=	200.00	OR	X200=	
+180=		OR	+360=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 25=		OR	X\$50=	
X100=		OR	X200=	
+180=		OR	+360=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 25=		OR	X\$50=	
X100=		OR	X200=	
+180=		OR	+360=	



NOTICE REQUIRING EXCESS CLAIMS FEES

The excess claim(s) filed on 3-27-06 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of \$ _____, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid ABANDONMENT. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

- ☐ 1. The funds in Deposit Account No. _____ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 2. The Credit Card payment to cover the entire fee due to Account _____ (Card type + last 4 digits ONLY) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.
- ☐ 4. The fee submitted in this application is insufficient. A balance of \$ _____ is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).
- ☒ 5. Other. *a fee of 75.00 Due for Independent Claims over 20.
a fee of 200 Due for Independent Claims over 3.*

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):

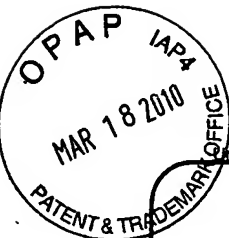
THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

ms. Coper
Technical Support Staff (TSS)

(571) 272-6583

Note to TSS: Please do NOT use this notice if the application is under a final rejection.



TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/705,666	
	Filing Date	9/22/2004	
	First Named Inventor	Dennis Parham	
	Art Unit	3634	
	Examiner Name	Jennifer E. Novosad	
Total Number of Pages in This Submission	12	Attorney Docket Number	D-2958RE

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Fee Determination Record
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	John L. James
Signature	<i>John L. James</i>
Date	March 23, 2006

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	John L. James
Signature	<i>John L. James</i>
Date	March 23, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Group Art Unit: 3634

Inventor(s):

Dennis E. Parham

Examiner: Novasad, J. E.

Merchandising Display Track
Device Of Multiple-Piece
Construction

I hereby certify that this correspondence is
being deposited today with the United States
as first class mail in an envelope addressed
to: :

MAIL STOP Reissue

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

John L. James

Name: John L. James

Registration No. 28,724

Date: March 23, 2006

Commissioner for Patents
Washington, D.C. 20231

Sir:

AMENDMENT

In response to the Office Action, Paper No./Mail
date 02032006, in divisional reissue application Serial No.
11/096,233 requiring merger of applications, please add new
claims 25-27 in the above-identified application as follows:

Amendments to the claims are reflected in the listing
of claims, which begins on page 2 of this paper.



S/N 11/096,232

C/N 2333


ATTY DK No D-2958RE-D2

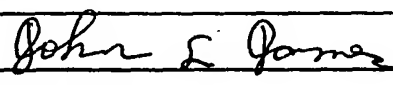
Reference Document : 10405666

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM	Application Number	11/096,232	
	Filing Date	03/31/2005	
	First Named Inventor	Dennis E. Parham	
	Art Unit	3634	
	Examiner Name	Novosad, J. E.	
(to be used for all correspondence after initial filing)		Attorney Docket Number	D-2958RE-D2
Total Number of Pages in This Submission		5	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">Remarks</div> </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	John L. James		
Signature			
Printed name	John L. James		
Date	October 31, 2006	Reg. No.	28,724

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	John L. James	Date	October 31, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Atty Docket D-2958RE-D2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Inventor(s):

Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

Serial No.: 11/096,232

Confirmation No.: 2333

Filed: March 31, 2005

Group Art Unit: 3634

Examiner: Novosad, J. E.

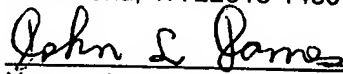
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MAIL STOP Reissue

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450



Name: John L. James

Registration No. 28,724

Date: October 31, 2006

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

AMENDMENT

In response to the Office Action Paper No./Mail
Date 20061018, please amend claim 22 and cancel claims
18-21 and 23 in the above-identified application.

Claim amendments are reflected in the listing of
claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

CLAIM AMENDMENTS

Claims 18-21 (cancelled).

Claim 22 (currently amended): A front panel assembly for a merchandising display track device, said track device being adapted to receive rows of articles for sliding movement therealong, said front panel assembly,
5 comprising:

a base adapted to receive said rows of articles from said track device for sliding movement therealong;

a first upstanding vertical member having a top end portion, a bottom end portion and a front edge, said first
10 vertical member being permanently connected along its bottom end portion to said base;

a second upstanding vertical member having a top end portion, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first
15 vertical member and permanently connected along its bottom end portion to said base;

a third upstanding vertical member having a top end portion, a bottom end portion and a front edge, said third vertical member being laterally spaced from said second
20 vertical member and permanently connected along its bottom end portion to said base, said second vertical member being intermediate said first and third vertical members;

a first face member having a top end portion and a bottom end portion and being connected to said front edge of said first vertical member, said first face member extending laterally a preselected distance from said first vertical member toward said second vertical member;
25

a second face member having a top end portion and a bottom end portion and being connected to said front edge of said second vertical member, said second face member extending laterally a preselected distance from said second
30

vertical member toward said first vertical member and
extending laterally a preselected distance from said second
vertical member toward said third vertical member; and

35 a third face member having a top end portion and a
bottom end portion and being connected to said front edge
of said third vertical member, said third face member
extending laterally a preselected distance from said third
vertical member toward said second vertical member;

40 a first elongate connecting member having a first
end connected to said top end portion of said first
vertical member and a second end portion connected to said
top end portion of said second vertical member, said first
connecting member curving outward away from said first and
45 second vertical members;

 a second elongate connecting member having a first
end connected to said top end portion of said second
vertical member and a second end portion connected to said
top end portion of said third vertical member, said second
50 connecting member curving outward away from said second and
third vertical members; and

 means for detachably attaching said front panel
assembly to said track device.

Claim 23 (cancelled).

Claim 24 (currently amended): A front panel, as
set forth in ~~claim 26~~ claim 22, wherein said first, second
and third face members are connected to said base.

REMARKS

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Claims 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robertson et al. '091 in view of Harbour et al. '316.

This rejection is respectfully traversed. Robertson et al. disclose a track device wherein the front stopper member or front wall 226 is integrally formed with the track base. There is no detachable front piece. Harbour et al. disclose a track device wherein the front member is integrally formed with the track base. There is no detachable front piece, but there are frangible sections for altering the length of the track device in the field. These differ from the present invention wherein the front panel assembly is detachably attached to the track device. Detachability is important because the front panel assembly has a greater height dimension than the remainder of the track device and requires a larger, thus more expensive, box for shipping that wastes space. The front panel assembly is detached for shipping allowing tracks and front pieces to be boxed separately for shipping for efficient use of shipping space.

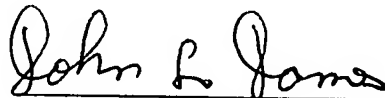
Claim 23 has been cancelled and the subject matter thereof incorporated into claim 22 further restricting the scope of claim 22.

In view of the foregoing remarks and amendments, claims 22 and 24 are now deemed allowable and such favorable action is courteously solicited.

Applicants have reviewed the prior art made of record and believe that singly, or in any permissible combination, they do not render Applicants' invention as set forth in claims 22 and 24 unpatentable.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



John L. James
Attorney for Applicant(s)
Registration No. 28,724

Atty Docket No. D-2958RE-D2
Serial No.: 11/096,232
Amendment A
Telephone: 770-792-0360
Facsimile: 770-792-2127



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/096,232	03/31/2005	Dennis E. Parham	D-2958RE-D2	2333
26829	7590	12/26/2006		
JOHN L. JAMES P.O. BOX 2025 MARIETTA, GA 30061-2025			EXAMINER NOVOSAD, JENNIFER ELEANORE	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 12/26/2006	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

11/096,232

Examiner

Jennifer E. Novosad

Applicant(s)

PARHAM, DENNIS E.

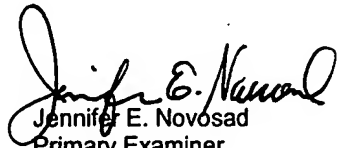
Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☒ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Jennifer E. Novosad
Primary Examiner
Art Unit: 3634

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/096,232	03/31/2005	Dennis E. Parham	D-2958RE-D2	2333
26829	7590	12/26/2006		
JOHN L. JAMES P.O. BOX 2025 MARIETTA, GA 30061-2025			EXAMINER NOVOSAD, JENNIFER ELEANORE	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 12/26/2006	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

11/096,232

Examiner

Novosad, Jennifer Eleanore

Applicant(s)

PARHAM, DENNIS E.


Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☒ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Barbara J Debnam
Management & Program Analyst
Art Unit: 3900

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/096,232	03/31/2005	Dennis E. Parham	D-2958RE-D2	2333
26829	7590	10/23/2006	EXAMINER	
JOHN L. JAMES P.O. BOX 2025 MARIETTA, GA 30061-2025			NOVOSAD, JENNIFER ELEANORE	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

11/096,232

Applicant(s)

PARHAM, DENNIS E.

Examiner

Jennifer E. Novosad

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-24 is/are pending in the application.
- 4a) Of the above claim(s) 18-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/31/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This non-final Office action is in response to the divisional reissue application filed March 31, 2005. *In this application*, (a) claims 1-17 have been canceled (but are present in the suspended parent reissue application No. 10/705,666), (b) claims 18-21 are deemed by applicant as "not entered" (It is noted that the subject matter of these claims *was* present in divisional application No. 11/096,233, now abandoned, and *similar* subject matter of claims 18-21 appears as claims 25-27 in the parent reissue application No. 10/705,666), and (c) claims 22-24 have been added and have been examined on the merits (as advanced below).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,788,091 (Robertson *et al.* '091) in view of U.S. Patent No. 6,142,316 (Harbour *et al.* '316).

With respect to claim 22, Robertson *et al.* '091 disclose a front panel assembly for a track device that is adapted to receive a row of articles for sliding movement therealong which comprises a base (222); a first upstanding vertical member (224) having a top end, a bottom end portion connected to the base, i.e., permanently, and a front edge (right side of Figure 9); a second upstanding vertical member (224) having a top end, a bottom end portion connected (see Figure 8) to the base and a front edge (right side of Figure 8); a third upstanding vertical member

Art Unit: 3634

(229) having a top end, a bottom end portion connected (see Figure 8) to the base and a front edge (right side of Figure 8); and means for attaching (254) the front panel assembly to the track device.

With respect to claim 23, Robertson *et al.* '091 disclose a first face member ($\frac{1}{2}$ of 220 in Figure 8 - at 226 in Figure 9) and a second face member (other $\frac{1}{2}$ of 220) respectively connected to front edges of each of the vertical members whereby each face member extends laterally towards the other face member and a third face member (similar to the first and second members) and *with respect to claim 24*, the face members are connected (see right side of Figure 9) to the base (222).

The claims differ from Robertson *et al.* '091 in requiring first and second elongate connecting members having their ends connected to the top ends of the vertical members whereby the connecting member is curved outwardly away from the vertical members.

Harbour *et al.* '316 teach an assembly comprising vertical members (18) connected to a base whereby an outwardly curved connecting member (22) has ends connected to the top ends of each of the vertical members (18).

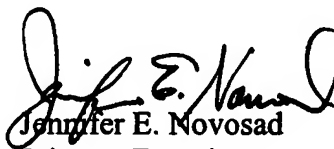
Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the assembly of Robertson *et al.* '091 with a connecting member for increased securement of items, such as bottles, placed therein, against tipping.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

October 18, 2006

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet **1**of **2****Complete If Known**

Application Number	11/096,232
Filing Date	3/31/2005
First Named Inventor	Dennis E. Parham
Art Unit	3634
Examiner Name	Khee Tran J. E. Novosad
Attorney Docket Number	D-2958RE

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.*	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
JEN		US- 6,189,734 B1	02-20-2001	Apps et al.	
		US- 6,142,316	11-07-2000	Harbour et al.	
		US- 5,971,204	10-26-1999	Apps	
		US- 5,862,923	01-26-1999	Nordquist et al.	
		US- 5,788,091	08-04-1998	Robertson et al.	
		US- 5,685,664	11-11-1997	Parham et al.	
		US- 5,645,176	07-08-1997	Jay	
		US- 5,634,564	06-03-1997	Spamer et al.	
		US- 5,595,310	01-21-1997	Spamer et al.	
		US- 5,562,217	10-08-1996	Salveson et al.	
		US- 5,542,552	08-06-1996	Yablans et al.	
		US- 5,531,336	07-02-1996	Parham et al.	
		US- 5,458,248	10-17-1995	Alain	
		US- 5,351,838	10-04-1994	Flum	
		US- 5,314,081	05-24-1994	Carroll	
		US- 5,240,126	08-31-1993	Foster et al.	
		US- 5,203,463	04-20-1993	Gold	
		US- 5,160,051	11-03-1992	Bustos	
JEN		US- 5,050,748	09-24-1991	Taub	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ * Number ⁴ * Kind Code ⁵ (if known)				

Examiner Signature	/Jennifer Novosad/	Date Considered	10/18/2006
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *Applicant's unique citation designation number (optional). *See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. *Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). *For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. *Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.18 if possible. *Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	11/096,232
Filing Date	03/31/2005
First Named Inventor	Dennis E. Parham
Art Unit	3634
Examiner Name	Khee-Tren J. E. Novosad
Attorney Docket Number	D-2958RE

Sheet 2 of 2

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
JEN		US- 5,024,336	06-18-1991	Spamer	
		US- 4,997,094	03-05-1991	Spamer et al.	
		US- 4,958,739	09-25-1990	Spamer	
		US- 4,836,390	06-06-1989	Polvere	
		US- 4,785,945	11-22-1988	Rowse et al.	
		US- 4,762,236	08-09-1988	Jackie III et al	
		US- 4,730,741	03-15-1988	Jackie III et al.	
		US- 4,724,968	02-16-1988	Wombacher	
		US- 4,685,574	08-11-1987	Young et al.	
		US- 4,630,739	12-23-1986	Levenberg	
		US- 4,478,337	10-23-1984	Flum	
		US- 4,205,763	06-03-1980	Merl	
		US- 2,218,444	10-15-1940	Vineyard	
		US- Des. 401,436	11-24-1998	Jay	
JEN		US- 2001/0020606 A1	09-13-2001	Battaglia et al.	
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁴
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner
Signature

/Jennifer Novosad/

Date
Considered

10/18/2006

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.87 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/096,232	03/31/2005	3634	765	D-2958RE-D2	9	7	3

26829
 JOHN L. JAMES
 P.O. BOX 2025
 MARIETTA, GA 30061-2025

CONFIRMATION NO. 2333
 UPDATED FILING RECEIPT
 OC000000016289020
 OC000000016289020

Date Mailed: 06/15/2005

Receipt is acknowledged of this reissue Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Dennis E. Parham, Kennesaw, GA;

Power of Attorney: The patent practitioners associated with Customer Number 26829.

Domestic Priority data as claimed by applicant

This application is a DIV of 10/705,666 11/10/2003
 which is a REI of 08/967,381 11/08/1997 PAT 6,325,221

Foreign Applications

If Required, Foreign Filing License Granted: 06/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/096,232**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Merchandising display track device of multiple-piece construction

Preliminary Class

211

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/096,232	03/31/2005	Dennis E. Parham	D-2958RE-D2

26829
 JOHN L. JAMES
 P.O. BOX 2025
 MARIETTA, GA 30061-2025

CONFIRMATION NO. 2333
 FORMALITIES LETTER
 OC000000015788194
 OC000000015788194

Date Mailed: 04/20/2005

NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

Filing Date Granted

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- Consent of assignee is missing. 37 CFR 1.172 requires that a reissue oath/declaration be accompanied by the written consent of all assignees.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity


- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Office of Initial Patent Examination (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT		Docket Number (Optional) D-2958RE-D2
This is part of the application for a reissue patent based on the original patent identified below.		
Name of Patentee(s) Dennis E. Parham		
Patent Number 6,325,221	Date Patent Issued December 4, 2001	
Title of Invention Merchandising Track Device of Multiple-Piece Construction		
<p>1. <input checked="" type="checkbox"/> Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)</p> <p>2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.</p> <p>One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".</p> <p>The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.</p>		
The assignee(s) owning an undivided interest in said original patent is/are <u>Display Industries, LLC.</u> and the assignee(s) consents to the accompanying application for reissue.		
Name of assignee/inventor (if not assigned) Display Industries, LLC.		
Signature 	Date 5/16/05	
Typed or printed name and title of person signing for assignee (if assigned) Mark A. Higgins		

This collection of information is required by 37 CFR 1.172. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Display Industries, LLC.

Application No./Patent No.: 11/096,232 Filed/Issue Date: March 31, 2005

Entitled: Merchandising Track Device of Multiple-Piece Construction

Display Industries, LLC., a Georgia Limited Liability Company

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Dennis E. Parham To: The Mead Corporation
The document was recorded in the United States Patent and Trademark Office at
Reel 009090, Frame 0616, or for which a copy thereof is attached.
2. From: The Mead Corporation To: Display Industries, LLC.
The document was recorded in the United States Patent and Trademark Office at
Reel 010996, Frame 0001, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

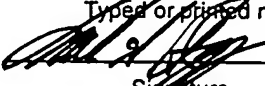
☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

5/16/05
Date
404-350-4801
Telephone number

Mark A. Higgins
Typed or printed name

Signature

President
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/096,232	03/31/2005	3634	700	D-2958RE-D2	9	7	3

26829
 JOHN L. JAMES
 P.O. BOX 2025
 MARIETTA, GA 30061-2025

CONFIRMATION NO. 2333
 FILING RECEIPT
 OC000000015788193
 OC000000015788193

Date Mailed: 04/20/2005

Receipt is acknowledged of this reissue Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Dennis E. Parham, Kennesaw, GA;

Power of Attorney: The patent practitioners associated with Customer Number 26829.

Domestic Priority data as claimed by applicant

This application is a DIV of 10/705,666 11/10/2003
 which is a REI of 08/967,381 11/08/1997 PAT 6,325,221

Foreign Applications

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Merchandising display track device of multiple-piece construction

Preliminary Class

211

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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Receipt of the following reissue divisional patent application by Express Mail, label no., ED 054727777 US, Attorney Docket Number D-2958RE-D1, MERCHANDISING DISPLAY TRACK DEVICE OF MULTIPLE-PIECE CONSTRUCTION, is acknowledged by the US Patent and Trademark Office on the date affixed hereon.

Applicant(s): Dennis Parham

Copy of reissue S/N 10/705;666

Preliminary amendment--20 pages

9 sheets of formal drawings

Check for \$700.00 to cover filing fee.

113260 U.S. PTO

11/096233



033105

REISSUE PATENT APPLICATION TRANSMITTAL

Address to: Mail Stop Reissue Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	D-2958RE-D2
	First Named Inventor	Dennis Parham
	Original Patent Number	6,325,221
	Original Patent Issue Date (Month/Day/Year)	December 4, 2001
	Express Mail Label No.	ED 054727777 US

APPLICATION FOR REISSUE OF:

(Check applicable box)



Utility Patent



Design Patent



Plant Patent

APPLICATION ELEMENTS (37 CFR 1.173)

1. ☒ Fee Transmittal Form (PTO/SB/56)
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification and Claims in double column copy of patent format
(amended, if appropriate)
4. ☒ Drawing(s) (proposed amendments, if appropriate)
5. ☒ Reissue Oath/Declaration (original or copy)
(37 CFR 1.175) (PTO/SB/51 or 52)
6. ☒ Power of Attorney
7. ☒ Original U.S. Patent currently assigned? ☒ Yes ☐ No
(If Yes, check applicable box(es))
 - ☒ Written Consent of all Assignees (PTO/SB/53)
 - ☒ 37 CFR 3.73(b) Statement (PTO/SB/96)
8. ☐ CD-ROM or CD-R in duplicate, Computer Program (Appendix)
or large table
9. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all of the following are necessary)
 - a. ☐ Computer Readable Form (CFR)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM (2 copies) or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

10. ☒ Statement of status and support for all
changes to the claims. See 37 CFR 1.173(c).
11. ☐ Original Patent Grant
 - ☐ Ribbioned Original Patent Grant
 - ☐ Statement of Loss (PTO/SB/55)
12. ☐ Foreign Priority Claim (35 U.S.C. 119)
(if applicable)
13. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS
Citations
14. ☐ English Translation of Reissue Oath/Declaration
(if applicable)
15. ☒ Preliminary Amendment
16. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
17. Other: _____

18. CORRESPONDENCE ADDRESS



Customer Number.

26829



OR Correspondence address below

Name					
Address					
City		State		Zip Code	
Country		Telephone		Fax	

Name (Print/Type)	John L. James	Registration No. (Attorney/Agent)	28,724
Signature	<i>John L. James</i>	Date	March 31, 2005

This collection of information is required by 37 CFR 1.173. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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REISSUE APPLICATION FEE TRANSMITTAL FORM						Docket Number (Optional) D-2958RE-D2		
Application as Filed – Part 1								
	(1) Claims in Patent	(2) Claims Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity		
				Rate (\$)	Fee (\$)	Rate (\$)	Fee (\$)	
Total Claims (37 CFR 1.16(i))	(A) 17	(B) 1	**** 0 =	x 25 =	0	or	x =	
Independent Claims (37 CFR 1.16(h))	(C) 4	(D) 1	* 0 =	x 100 =	0		x =	
Application Size Fee (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
				Filing Fee (37 CFR 1.16(e))	150			
				Search Fee (37 CFR 1.16(n))	250			
				Examination Fee (37 CFR 1.16(r))	300			
			Total Filing Fee	700				
Application as Amended – Part 2								
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate (\$)	Fee (\$)	Rate (\$)	Fee (\$)
Total Claims (37 CFR 1.16(i))	*** 3	MINUS	** 20	= 0	x 25 =	0	or	x =
Independent Claims (37 CFR 1.16(h))	*** 1	MINUS	***** 3	= 0	x 100 =	0		x =
Application Size Fee (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				0			
					Total Additional Fee	0		
<p>* If (D) is less than (C), enter "0" in column 3. For reissues filed on or after Dec. 8, 2004, enter (D) minus 3 or "0" if (D) is less than 3.</p> <p>** If the "Highest Number of Total Claims Previously Paid For" is less than 20, enter "20" in this space.</p> <p>*** After any cancellation of claims.</p> <p>**** If (A) is greater than 20, enter (B) - (A); if (A) is 20 or less, enter (B) - 20. For reissues filed on or after Dec. 8, 2004, enter (B) - 20.</p> <p>***** For amendments filed on or after Dec. 8, 2004, enter the "Highest Number of Independent Claims Previously Paid For."</p> <p>For amendments filed prior to Dec. 8, 2004, enter the higher of the Number Previously Paid or Number of Independent Claims in Patent.</p>								
<p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____. A duplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> A check in the amount of \$ <u>700.00</u> to cover the filing/additional fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>								
<p><u>John L. James</u> Signature</p> <p>John L. James Typed or printed name</p>					<p>March 31, 2005 Date</p> <p>28724 Registration Number, if applicable</p> <p>770-792-0360 Telephone Number</p>			

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**CONTINUING APPLICATION UNDER 37 C.F.R. § 1.53(b)
REQUEST TRANSMITTAL**

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION EXAMINER	ART UNIT
	CLASS	SUBCLASS		
D-2958RE-D2	211	184	Novosad, J. E.	3634

HONORABLE COMMISSIONER FOR PATENTS

Mail Stop: Reissue
Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a request for filing a ☐ continuation ☒ divisional reissue application under 37 C.F.R. §1.53, of pending prior reissue application Serial No. 10/705,666, filed October 10, 2003.

1. Enclosed is a complete copy of the most recent prior application having a signed declaration, Serial No. 10/705,666, as originally filed on October 10 2003. The undersigned, being registered to practice before the U.S. Patent & Trademark Office, hereby verifies the enclosed application papers are a true copy of that most recent prior application.
2. Applicant claims small entity status.
3. The filing fee is calculated on PTO/SB/56 enclosed herewith.
4. A check in the amount of \$700.00 to cover the filing fee is enclosed.

Express Mail mailing label number ED 054727777 US

Date of Deposit: March 31, 2005.

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Reissue., Commissioner for Patents, Box 1450 Alexandria, VA 22313-1450

Typed or printed name of person mailing paper or fee: John L. James

Signature of person mailing paper or fee:



5. Amend the specification by inserting before the first line the sentence: --Notice: This is a division, of reissue application Serial No.10/705,666, filed November 10, 2003. More than one reissue application has been filed for the reissue of Patent No. 6,325,221. The reissue applications are 10/705,666, xx/xxx,xxx (the present application) and xx/xxx,xxx, all of which are divisional reissues of Patent No. 6,325,221.--
6. Cancel in this application original Claims 2-17 of the prior application before calculating the filing fee. (At least one original independent claim is retained for filing purposes.)
7. Formal drawings are enclosed.
8. The prior application Serial No.10/705,666 is assigned to Display Industries, LLC by an assignment (copy enclosed) filed with the reissue application on November 10, 2003.
9. A preliminary amendment is enclosed.
10. POWER OF ATTORNEY: Power of Attorney in the prior application is to: John L. James, Registration No. 28,724.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



John L. James
Registration No. 28,724
Attorney for Applicant(s)
P. O. Box 2025
Marietta, Georgia 30061-2025

Date: March 31, 2005

Telephone 770-792-0360
Facsimile 770-792-2127

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Inventor(s):

Dennis E. Parham

Group Art Unit: 3634

Examiner: Novosad, J. E.

Merchandising Display Track
Device Of Multiple-Piece
Construction

I hereby certify that this correspondence is
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Commissioner for Patents

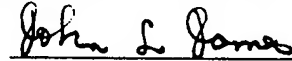
P. O. Box 1450

Alexandria, VA 22313-1450

US Patent No.: 6,325,221

Issued: December 4, 20017

Serial No.: 08/967,381



Name: John L. James

Registration No. 28,724

Date: March 31, 2005

Filed: November 8, 1997

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

STATEMENT OF STATUS AND SUPPORT FOR CHANGES TO CLAIMS

Original claims 1-17 claims have not been altered.
New claims 22-24 are presented in the present reissue
divisional application to claim subject matter not claimed
in the original patent. Claims 22-24 correct the error of
claiming less than applicant was entitled to claim.

Claims 18-20 are directed to a front panel assembly
for a merchandising display track device. The track is
adapted to receive a row of articles for sliding movement
therealong. The front panel assembly includes a base with
first and second vertical members upstanding therefrom. An
elongate connecting member has one end connected to the top
end portion of the first vertical member and has its other

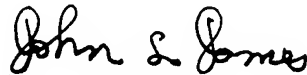
end connected to the top end portion of the second vertical member. The connecting member curves outwardly away from the vertical members. Means are provided for detachably attaching the first and second vertical members to the track device.

New claims 22-24 are similar to claims 18-20 but the front panel assembly has three vertical members and two elongate connecting members for two rows of articles. Means are provided for detachably attaching the front panel assembly to the track device.

Support for the new claims exists in drawings, particularly Figures 1-3, 6-10 and 14, and throughout the specification, particularly the following:

<u>Column</u>	<u>Lines</u>
4	45-47, 64-67
5	1-2, 8-25, 57-67
6	14-33, 61-67
7	1-20

Respectfully submitted,



John L. James
Attorney for Applicant(s)
Registration No. 28,724

Atty Docket No. D-2958RE
Statement of Status and Support
Telephone: 770-792-0360
Facsimile: 770-792-0360

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Group Art Unit: 3634

Inventor(s):

Dennis E. Parham

Examiner: Novosad, J. E.

Merchandising Display Track
Device Of Multiple-Piece
Construction

I hereby certify that this correspondence is
being deposited today with the United States
Postal Services as Express Mail, mailing
label ED 054727777 US, in an envelope
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MAIL STOP Reissue

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Serial No.: Unassigned

Filed: Herewith



Name: John L. James

Registration No. 28,724

Date: March 31, 2005

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

PRELIMINARY AMENDMENT

Prior to examination of the above-identified
reissue application, please amend the above-identified
application as follows: In the specification please amend
the paragraphs beginning at column 2 line 47, column 3
line 37, and column 4 line 30; and cancel claim 1 and add
new claims 22-24.

SPECIFICATION AMENDMENTS

Please amend the paragraph beginning at column 2
line 47 to read as follows:

5 The present invention in [[a]] still another aspect
provides a merchandising track device comprising an elongate
body, and a front piece formed as a discrete structure and
attached to the front end of the body. The body comprises a
track base for carrying a row of articles for sliding
movement along the body, and at least one article-guiding
10 side wall upstanding from the track base and extending along
the body. The front piece provides a stopper for preventing
the leading article in the row from exiting the track
device. The front piece comprises a deck for supporting the
leading article, at least one longitudinally extending
15 upright wall upstanding from the deck and disposed in
general longitudinal alignment with the one side wall, and
locking means for interconnecting the one upright wall and
the one side wall to lock the front piece in position
relative to the body.

20

Please amend the paragraph beginning at column 3
line 37 to read as follows:

The present invention in a further aspect provides a
5 merchandising track device comprising an elongate body and
an attached front piece. The body comprises a track base for
supporting a row of articles for sliding movement along the
body, and a tongue extending forwardly from the track base
and defining the forward end of the body. The front piece
10 ~~provide~~ provides a stopper for the leading article in the
row. The front piece comprises a deck for supporting the
leading article which deck has a socket for receiving the
tongue so that the deck and the track base are
interconnected to form a continuous floor for slidably
15 supporting the articles.

Please amend the paragraphs beginning at column 4
line 30 to read as follows:

FIG. 1 illustrates a display shelf unit assembled
5 from multiple track devices according to the present
invention. This shelf unit is designed to merchandise
articles C such as bottled or canned drink products. The
shelf unit includes a plurality of elongate track devices 20
detachably interconnected in a side-by-side, transversely
10 adjacent relationship. The number of ~~the track device~~ track
devices 20 used to assemble the shelf unit is determined
such that the size of the shelf unit is suitable for
placement onto an existing display shelf in a retail store
in which the unit is desired to be installed. The
15 interconnection of two adjacent track devices is achieved by
connecting means such as connector slots 80 (shown in FIG.
1) cooperating with L-shaped horizontal connector elements
82 (only one shown in FIG. 2). Details of the slots 80 and
the elements 82 are described in U.S. Pat. No. 5,634,564
20 which is hereby incorporated by reference. Additional
connecting means are provided at the front portion of each
device which additional means will be described later.

CLAIM AMENDMENTS

25

Claim 1 (canceled): A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and second
5 members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one
10 article-guiding side wall upstanding from said track base of said each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending upwardly above an upper edge of said one side wall of said second
15 member, said one side wall of said second member having a cutout opening to said upper edge thereof and to opposite side surfaces thereof;

locking means integrally formed with said first member for interconnecting said one side wall of said first
20 member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one
25 side wall of said second member, said flexible overhang engages side of said one side wall of said second member with a lug formed integrally with said overhang and received in said cutout, whereby longitudinal displacement of said

one side wall of said first member relative to said one side
30 wall of said second member is prevented; and

a pair of engaging tabs provided disposed
respectively alongside said opposite side surfaces of said
one side wall of said second member with at least one of
said engaging tabs formed on said lug so that lateral
35 displacement of said one side wall of said first member
relative to said one side wall of said second member is
prevented.

Claim 2 (canceled): A merchandising track device
for displaying articles, said track device comprising:

an elongate body having a forward end, said body
comprising a track base for carrying a row of articles for
5 sliding movement along said body, a tongue extending
forwardly from said track base and defining said forward end
of said body, and at least one article-guiding side wall
upstanding from said track base and extending along said
body;

10 a front piece formed as a discrete structure
separate from said body and attached to said forward end of
said body to provide a stopper for preventing a leading
article in said row from exiting said track device, said
front piece comprising a deck for supporting said leading
15 article, at least one upright wall upstanding from said deck
and disposed in general longitudinal alignment with said one
side wall, said one upright wall including a portion
extending upwardly above an upper edge of said one sidewall;
and locking means for interconnecting said one upright wall
20 and said one side wall to lock said front piece in position
relative to said body, said locking means including a

flexible overhang integrally formed with said front piece
and extending rearward from said portion of said one upright
wall and disposed over said upper edge of said one side wall
25 with said flexible overhang flexing to either side of said
one side wall of said second member; and

a pair of engaging tabs disposed respectively
alongside opposite side surfaces of said one side wall, at
least one of said engaging tabs being integrally formed with
30 said overhang, whereby lateral displacement of said one
upright wall relative to said one side wall is prevented,
and wherein one sidewall has a cutout opening to said upper
edge and said opposite side surface thereof, and at

least one engaging tab is formed on a lug to engage
35 in said cutout.

Claim 3 (canceled): The track device according to
claim 2, wherein said lug has a thickness greater than a
thickness of said one side wall, and both said engaging tabs
are formed on said lug.

5

Claim 4 (canceled): The track device according to
claim 2, wherein said tongue is provided with a hooking
element projecting therefrom, and said deck has a strip
portion having a front and rear opposed faces, said front
5 face providing an edge for engaging said hooking element to
prevent forward displacement of said front piece with
respect to said body, said rear face sloping to facilitate
insertion of said tongue into said socket.

Claim 5 (canceled): The track device according to claim 4, wherein said engaging edge of said deck extends transversely of said body.

Claim 6 (canceled): The track device according to claim 5, wherein said strip portion is provided by said lower wall and extends transversely of said body, said rear face of said strip portion sloping downwardly and
5 rearwardly, said hooking element projecting downwardly from a lower surface of said tongue.

Claim 7 (canceled): The track device according to claim 4, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial
5 flexibility, and said one of said plural portions is provided with said hooking element.

Claim 8 (canceled): The track device according to claim 2, wherein said engaging tabs are disposed with a lateral gap therebetween to receive in said gap an edge of said one sidewall.
5

Claim 9 (canceled): The track device according to claim 8, wherein said engaging tabs are opposed to each other across a thickness of said one side wall.

Claim 10 (canceled): The track device according to claim 8, wherein said engaging tabs are disposed at positions offset from each other along a length of said one side wall.

Claim 11 (canceled): The track device according to claim 2, wherein said body and said front piece are formed from different material.

Claim 12 (canceled): The track device according to claim 11, wherein said body is molded of polystyrene, and said front piece is molded of polycarbonate.

Claim 13 (canceled): The track device according to claim 2, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial
5 flexibility, and said one of said plural portions is provided with said hooking element.

Claim 14 (canceled): A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and second
5 members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one
10 article-guiding side wall upstanding from said track base of said each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said
15 second member and including a portion extending upwardly above an upper edge of said one side wall of said second member, said one side wall of said second member having a

cutout opening to said upper edge thereof and to opposite side surfaces thereof;

said second member comprising a tongue extending longitudinally from said track base of said second member, said tongue defining an end of said second member, said first member having an end-opening socket for receiving said tongue so that said track bases of said first and second members are interconnected, said tongue being formed on said track base of said second member such that an upper surface of said tongue is disposed below an upper surface of said track base of said second member to allow said upper surface of said track base of said second member and an upper surface of said track base of said first member to form a continuous floor for slidably supporting said articles, wherein said track base of said first member comprises upper and lower opposed walls, and said socket is defined between said upper and lower walls; and

locking means integrally formed with said first member for interconnecting said one side wall of said first member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one side wall of said second member with said flexible overhang flexing to either side of said one side wall of said second member, and a lug with tabs formed integrally with and extending from said overhang and received in said cutout, whereby longitudinal displacement of said one side wall of said first member relative to said one side wall of said second member is prevented.

Claim 15 (canceled): The track device according to claim 14, wherein said tongue is provided with a hooking element projecting therefrom, and said track base of said first member has a strip portion having a front and rear
5 opposed faces, said front face providing an edge for engaging said hooking element to prevent longitudinal displacement of said first member with respect to said second member, said rear face sloping to facilitate insertion of said tongue into said socket.

10

Claim 16 (canceled): A merchandising track device for displaying articles, said track device comprising:

an elongate body having a forward end, said body comprising a track base for carrying a row of articles for
5 sliding movement along said body, a tongue extending forwardly from said track base and defining said forward end of said body, and at least one article-guiding side wall upstanding from said track base and extending along said body; and

10

a front piece formed as a discrete structure separate from said body and attached to said forward end of said body to provide a stopper for preventing a leading article in said row from exiting said track device, said front piece comprising a deck for supporting said leading
15 article, said deck having a socket for receiving said tongue so that said deck and said track base are interconnected, said tongue being formed on said track base such that an upper surface of said tongue is disposed below an upper surface of said track base to allow said upper surface of
20 said track base and an upper surface of said deck to form a

continuous floor for slidably supporting said articles, at least one upright wall upstanding from said deck and disposed in general longitudinal alignment with said one side wall, said one upright wall including a portion
25 extending upwardly above an upper edge of said one sidewall; and locking means integrally formed with said front piece for interconnecting said one upright wall with said one side wall to lock said front piece in position relative to said body, said locking means including a flexible overhang
30 extending rearward from said portion of said one upright wall and disposed over said upper edge of said one side wall having said cutout, said flexible overhang flexing to either side of said one side wall of said second member; and
a pair of engaging tabs disposed respectively
35 alongside opposite side surfaces of said one side wall in a cutout with at least one of said engaging tabs being integrally formed with said overhang so that lateral displacement of said one upright wall relative to said one side wall is prevented.

40

Claim 17 (canceled): The track device according to claim 16, wherein said tongue is provided with a hooking element projecting therefrom, and said deck has a strip portion having front and rear opposed faces, said front face
5 providing an edge for engaging said hooking element to prevent forward displacement of said front piece with respect to said body, said rear face sloping to facilitate insertion of said tongue into said socket.

Claim 18 (not entered): A front panel assembly for a merchandising display track device, said track device

being adapted to receive a row of articles for sliding movement therealong, said front panel assembly, comprising:

5 a base adapted to receive said row of articles for sliding movement therealong;

a first upstanding vertical member having a top end portion, a bottom end portion and a front edge, said first vertical member being connected along its bottom end
10 portion to said base;

a second upstanding vertical member having a top end portion, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and connected along its bottom end portion
15 to said base;

an elongate connecting member having a first end connected to said top end portion of said first vertical member and a second end portion connected to said top end portion of said second vertical member, said connecting
20 member curving outwardly away from said vertical members; and

means for detachably attaching said first and second vertical members to said track device.

Claim 19 (not entered): A front panel, as set forth in claim 18, including:

a first face member connected to said front edge of said first vertical member, said first face member
5 extending laterally a preselected distance from said first vertical member toward said second vertical member; and

a second face member connected to said front edge of said second vertical member, said second face member extending laterally a preselected distance from said second
10 vertical member toward said first vertical member.

Claim 20 (not entered): A front panel, as set forth in claim 19, wherein said first and second face members are connected to said base.

Claim 21 (not entered): A front panel assembly for a merchandising display track device, said track device having a track base adapted to receive a row of articles for sliding movement therealong, said front panel assembly, comprising:

a floor deck adapted to receive said row of articles for sliding movement therealong;

a first upstanding vertical member having a top end, a bottom end portion and a front edge, said first vertical member being connected along its bottom end portion to said floor deck;

a second upstanding vertical member having a top end, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and connected along its bottom end portion to said floor deck;

an elongate connecting member having a first end connected to said top end of said first vertical member and a second end portion connected to said top end of said second vertical member, said connecting member curving outwardly away from said vertical members; and

means for detachably attaching said floor deck to said track base.

Claim 22 (new): A front panel assembly for a merchandising display track device, said track device being adapted to receive rows of articles for sliding movement therealong, said front panel assembly, comprising:

a base;

a first upstanding vertical member having a top end portion, a bottom end portion and a front edge, said first

vertical member being connected along its bottom end portion to said base;

10 a second upstanding vertical member having a top end portion, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and connected along its bottom end portion to said base;

15 a third upstanding vertical member having a top end portion, a bottom end portion and a front edge, said third vertical member being laterally spaced from said second vertical member and connected along its bottom end portion to said base, said second vertical member being

20 intermediate said first and third vertical members;

 a first elongate connecting member having a first end connected to said top end portion of said first vertical member and a second end portion connected to said top end portion of said second vertical member, said first
25 connecting member curving outward away from said first and second vertical members;

 a second elongate connecting member having a first end connected to said top end portion of said second vertical member and a second end portion connected to said
30 top end portion of said third vertical member, said second connecting member curving outward away from said second and third vertical members; and

 means for detachably attaching said front panel assembly to said track device.

35

 Claim 23 (new): A front panel, as set forth in claim 22, including:

 a first face member having a top end portion and a bottom end portion and being connected to said front edge
5 of said first vertical member, said first face member extending laterally a preselected distance from said first vertical member toward said second vertical member;

a second face member having a top end portion and a bottom end portion and being connected to said front edge of said second vertical member, said second face member
10 extending laterally a preselected distance from said second vertical member toward said first vertical member and extending laterally a preselected distance from said second vertical member toward said third vertical member; and

15 a third face member having a top end portion and a bottom end portion and being connected to said front edge of said third vertical member, said third face member extending laterally a preselected distance from said third vertical member toward said second vertical member.

20

Claim 24 (new): A front panel, as set forth in claim 26, wherein said first, second and third face members are connected to said base.

REMARKS

Consideration of the claims is respectfully requested. New claims 22-24 are directed to a front panel assembly for a merchandising display track device. The track is adapted to receive rows of articles for sliding movement therealong. The front panel assembly includes a base with first, second and third vertical members upstanding therefrom. A first elongate connecting member has one end connected to the top end portion of the first vertical member and a second end portion connected to the top end portion of the second vertical member. A second elongate connecting member has one end connected to the top end portion of the second vertical member and the other end portion connected to the top end portion of the third vertical member. The connecting members curve outward away from the vertical members. Means are provided for detachably attaching the front panel assembly to the track device.

Support for the new claims exists in drawings, particularly Figures 1 and 11-14, and throughout the specification, particularly the following:

<u>Column</u>	<u>Lines</u>
4	45-47, 64-67
5	1-2, 8-25, 57-67
6	14-33, 61-67
7	1-20

U.S. Patent No. 6,189,734 B1 which issued 02/02/01 Apps et al. discloses a gravity feed dispensing device with a basket 60. The track device holds bottles by the neck and the basket 60 hangs downwardly from the track. This differs from the present invention which requires that the articles slide along the track and front piece and that the vertical members of the front piece extend upwardly.

U.S. Patent No. 6,142,316 which issued 11/07/00 to Harbour et al. discloses a track device with upstanding guide members or sidewalls 18 attached to a floor 26. An arcuate front wall member 22 connects the top portions of the sidewalls. According to column 9 lines 9-15, the guide members or sidewalls 18 are preferably integrally formed with the module 16 although other suitable means may be used to attach the guide members 18 to both the floor 26 as well as to upright posts or reinforcing members 28. Harbour et al. are silent on the other suitable means, but sonic welding techniques are well known, as well as permanent adhesives, which yield a one-piece unit. Harbour et al. teach away from the present invention which is directed to a multiple-piece track device with a detachable front piece.

U.S. Patent No. 5,971,204 which issued 10/26/99 to Apps discloses a bottle dispenser with a basket 16 for displaying bottles. The basket 16 has opposing flanges 38 for engagement along the peripheral edge 40 of the second aperture 34 of the housing 12. Apps lacks an elongate connecting member as required by the claims.

U.S. Patent No. 5,862,923 which issued 01/26/99 to Nordquist et al. discloses a shelf device with a bracket 56 to stop forward motion of products 58, 60. Nordquist et al. lack an elongate connecting member as required by the claims.

U.S. Patent No. 5,788,091 which issued 08/04/98 to Robertson et al. discloses a gravity feed dispensing device that holds bottles by the neck. This differs from the present invention which requires that the articles slide along the track and that the vertical members of the front piece extend upwardly.

U.S. Patent No. 5,685,664 which issued 11/11/97 to Parham et al. discloses a gravity feed dispensing device that holds bottles by the neck. This differs from the

present invention which requires that the articles slide along the track and that the vertical members of the front piece extend upwardly.

U.S. Patent No. 5,645,176 which issued 07/08/97 to Jay discloses an elongate channel of an integral, one-piece unitary construction formed in a single plastic molding operation. Jay teaches away from the present invention which is directed to a multiple-piece tack device.

U.S. Patent No. 4,205,763 which issued 06/03/80 to Merl discloses a dispenser 10 having a storage compartment 14 and a dispenser portion 20. The dispenser portion 20 has a horizontal platform 22 upon which containers drop and rest. The dispenser portion 20 is bordered at its forward end by an integrally formed guard rail 24 for guiding the containers as they drop on platform 22 and for holding the containers in the vertical presentment position prior to their being removed from the platform 22. The containers roll toward the presentment position. Merl thus teaches away from sliding containers.

U.S. Patent No. 2,218,444 which issued 10/15/40 to Vineyard discloses a guard rail 11. Vineyard does not disclose how the guard rail 11 is attached but it is attached to the outside of the other structure. To be functional to stop forward motion of the bottles, the guard rail must be rigid. Rigid connection means welding since no other fasteners are present. The guard rail thus must be permanently connected instead of detachably attached as with the present invention.

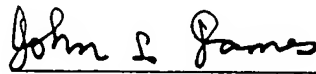
U.S. Patent No. Des. 401,436 which issued 11/24/98 to discloses an elongate channel of one-piece construction and appears to be the same device described in U.S. Patent No. 5,645,176 which issued 07/08/97 to Jay.

U.S. Patent Pub. No. 2001/0020606 which published 09/13/01 to Battaglia et al discloses a track device with a front member 40 that pivots. The claims require first and

second upstanding vertical members and an elongate connecting member connected to the top end portions of the vertical members. Battaglia et al do not disclose an elongate connecting member.

It is believed that the claims in the application are allowable over the prior art and that the application is in condition for immediate reissue.

Respectfully submitted,



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Atty Docket No. D-2958RE-D2
Preliminary Amendment
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Facsimile: 770-792-2127

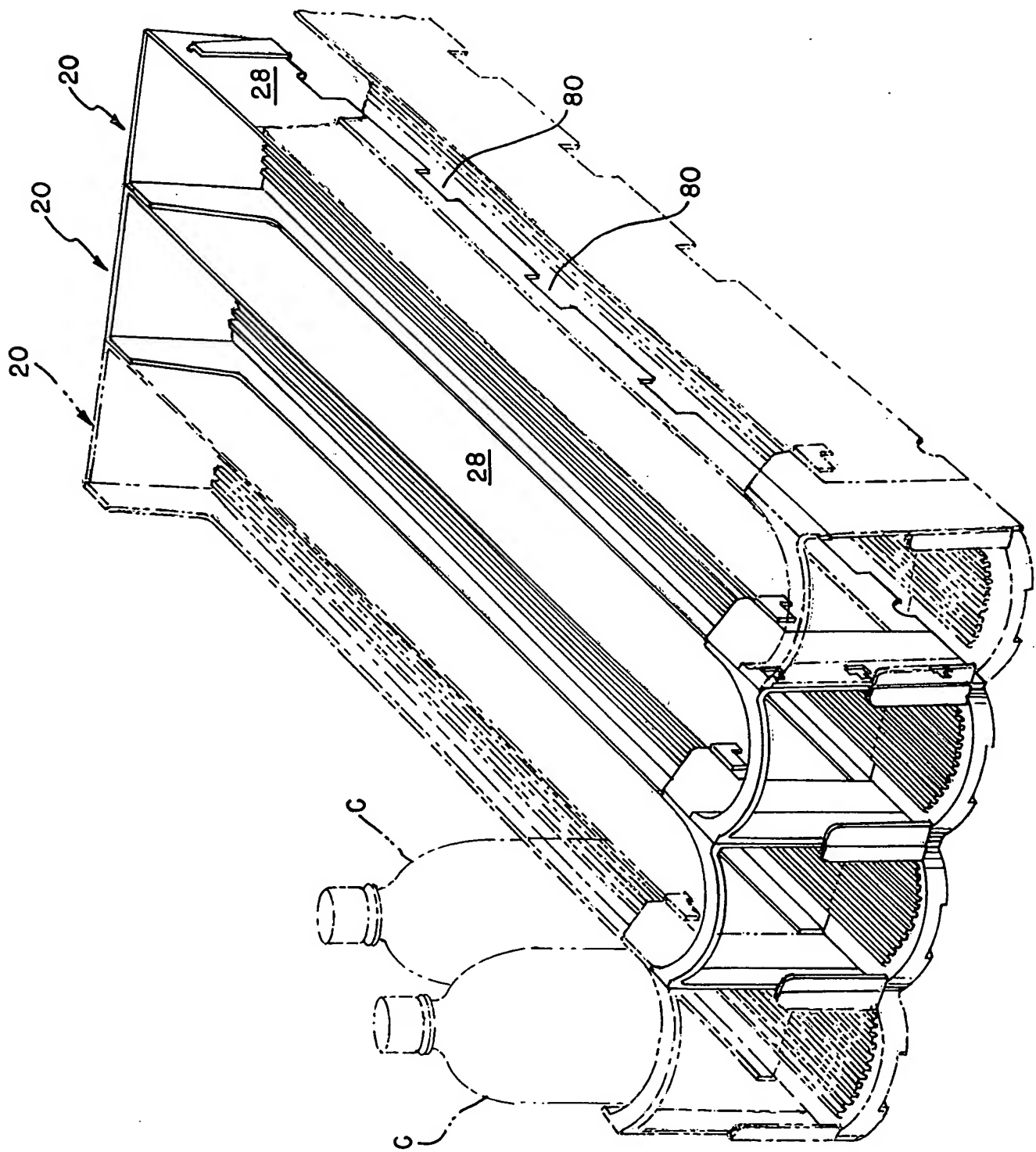


FIG. 1

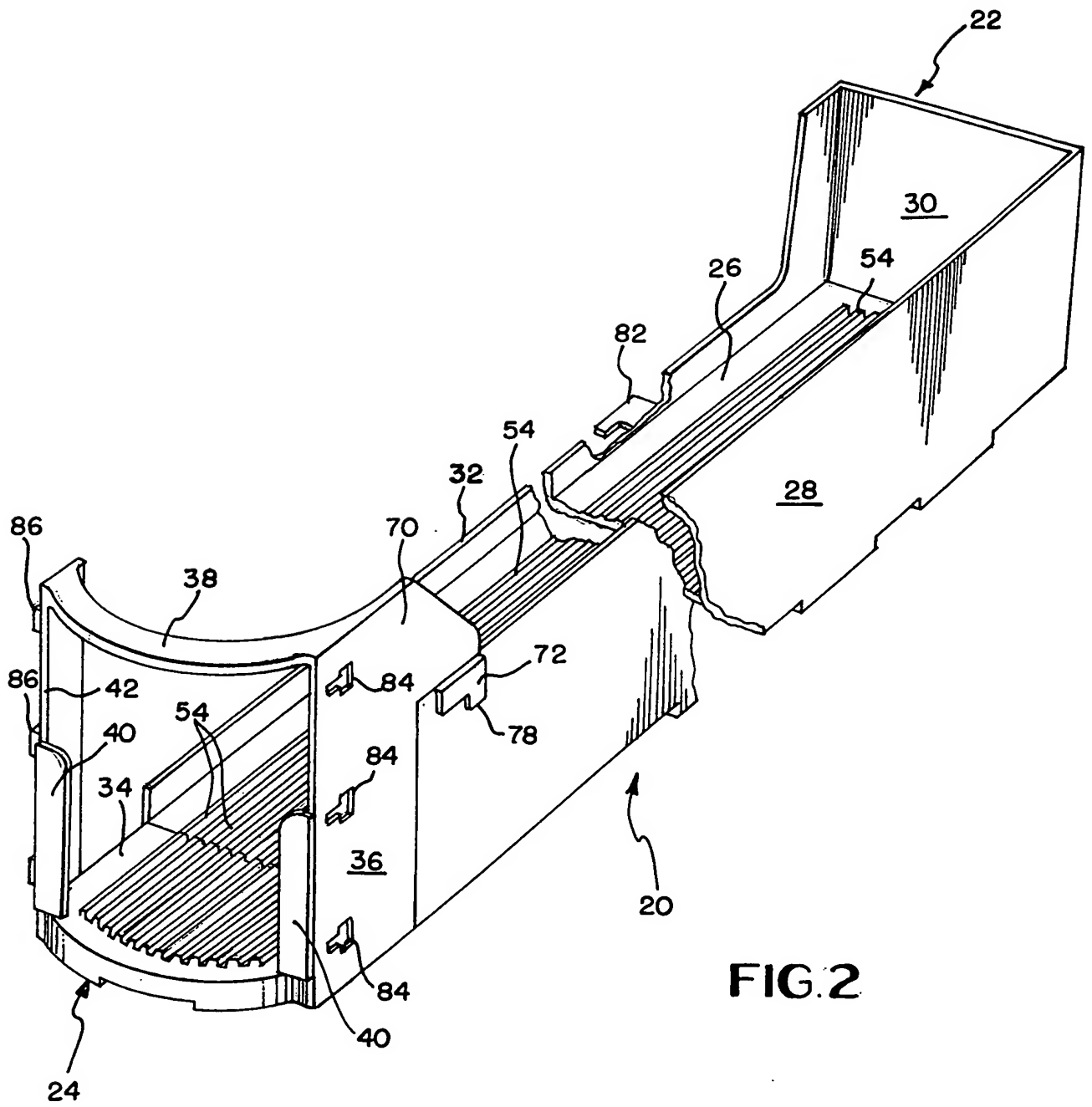
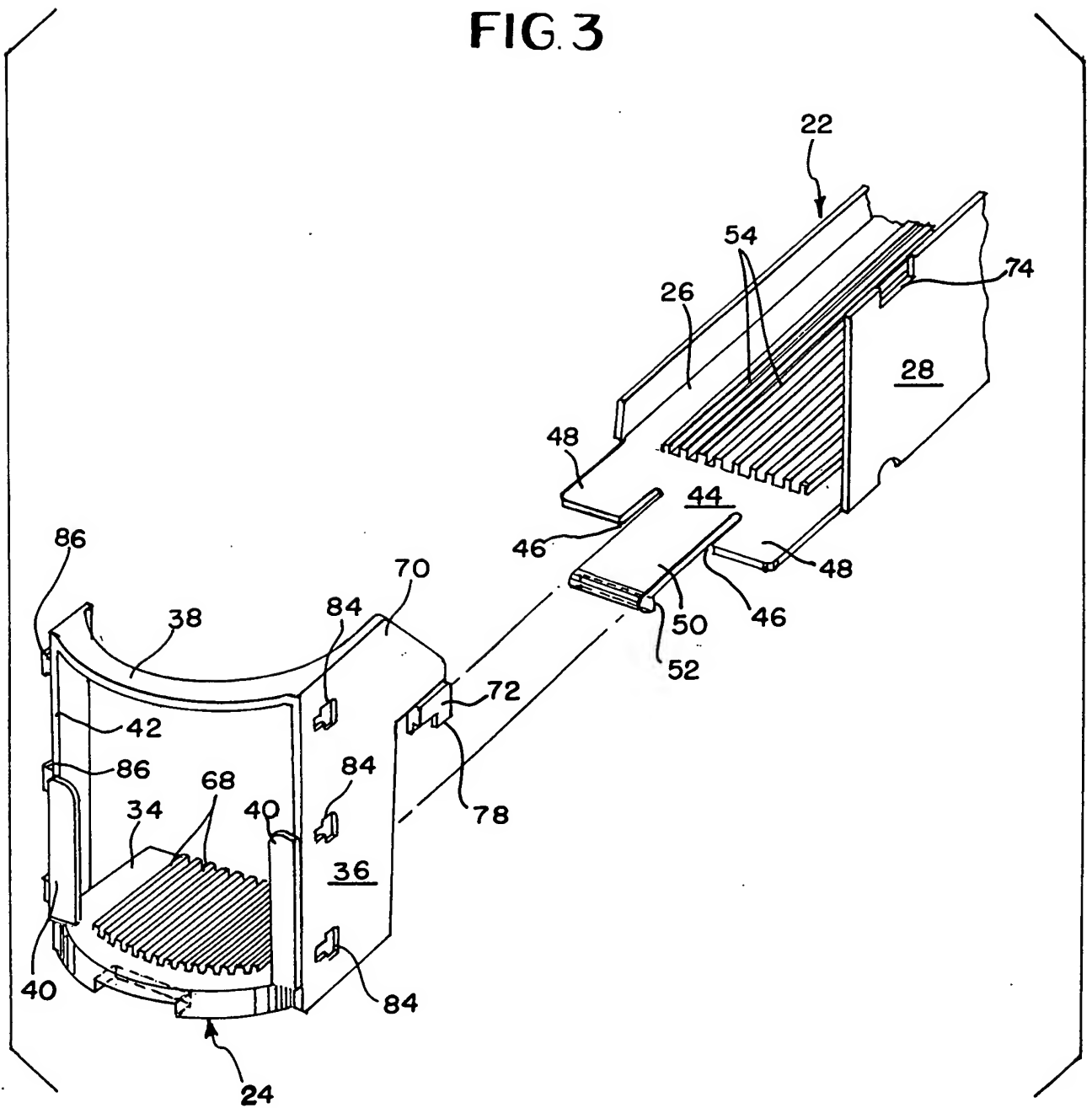


FIG. 2

FIG. 3



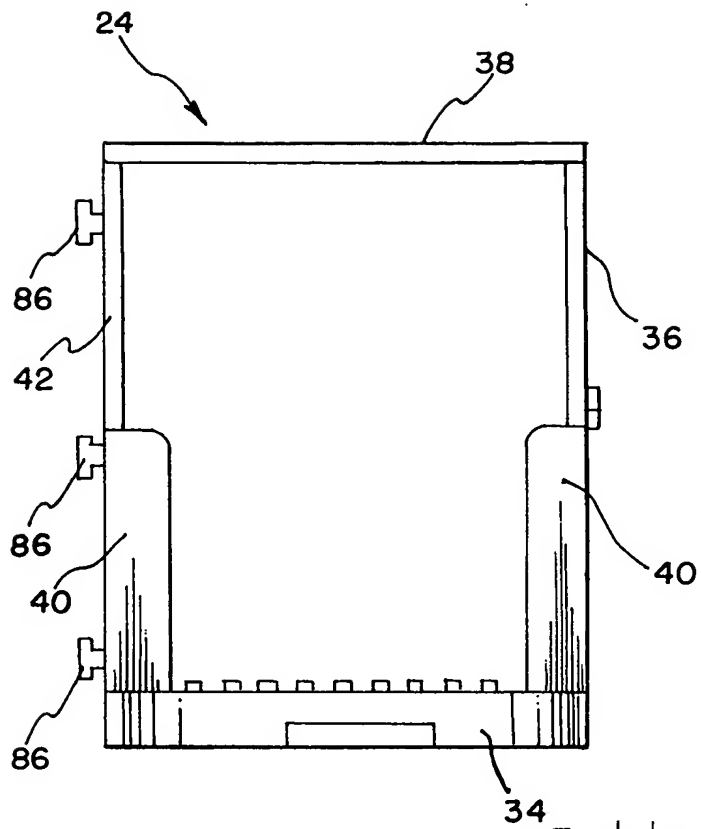


FIG. 4

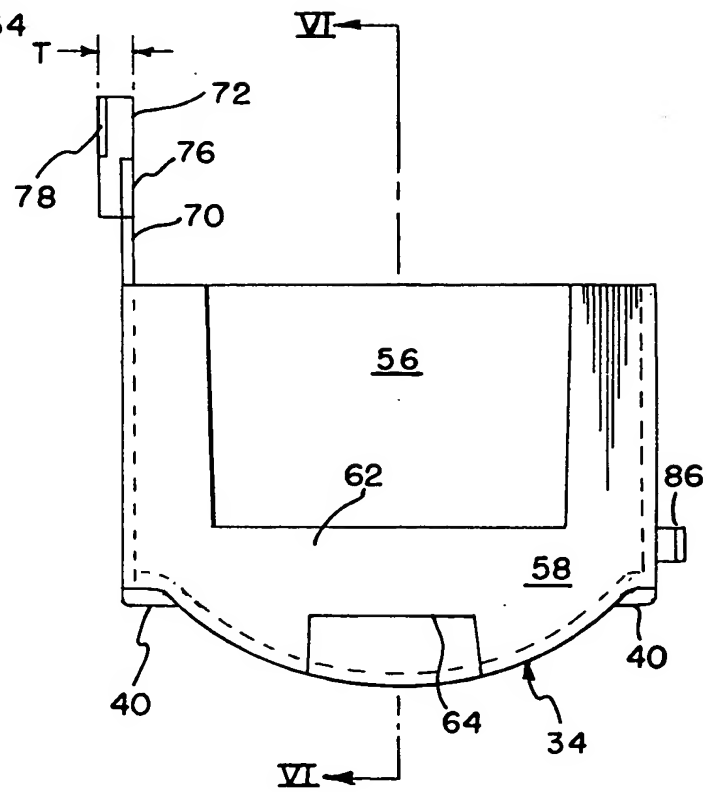


FIG. 5

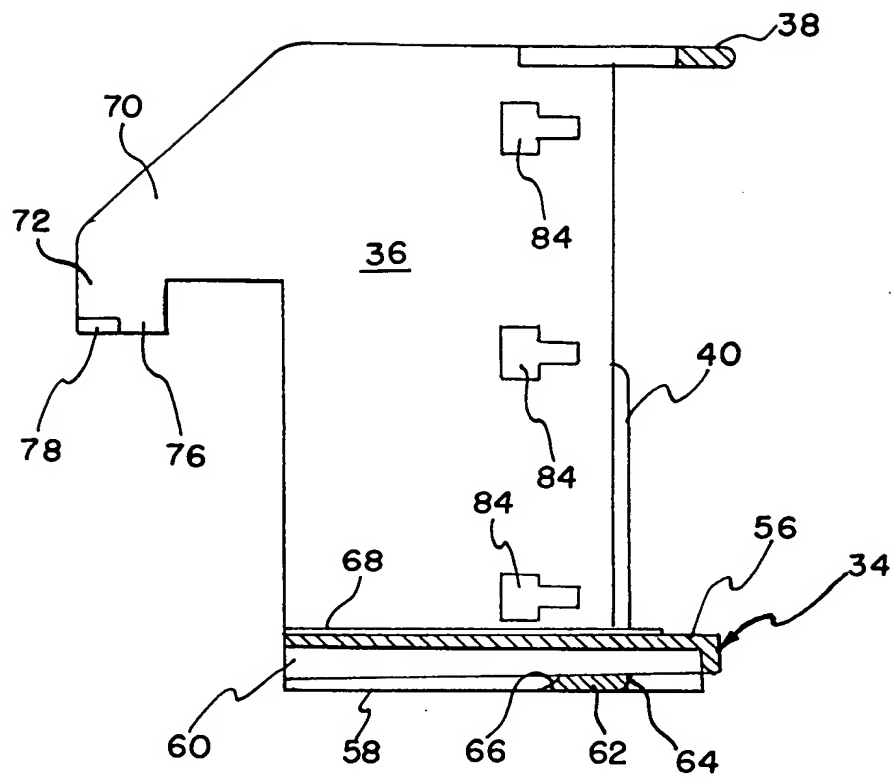


FIG. 6

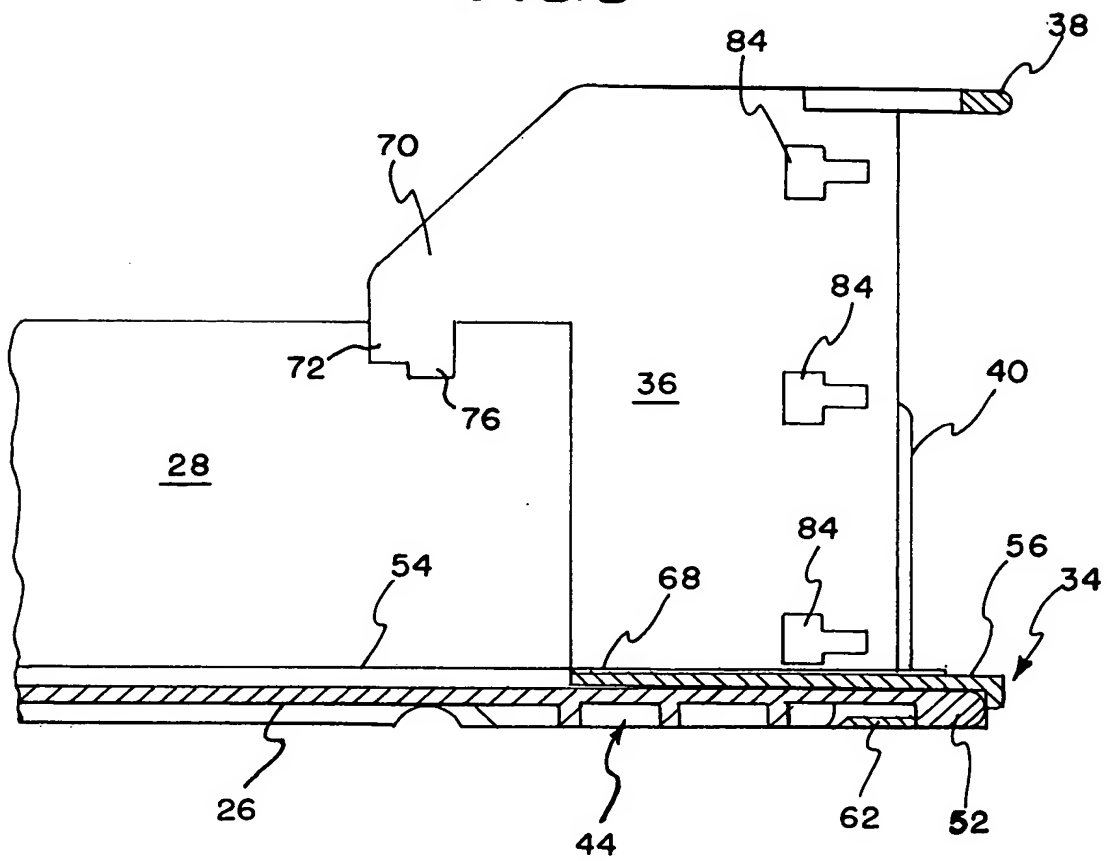


FIG. 7

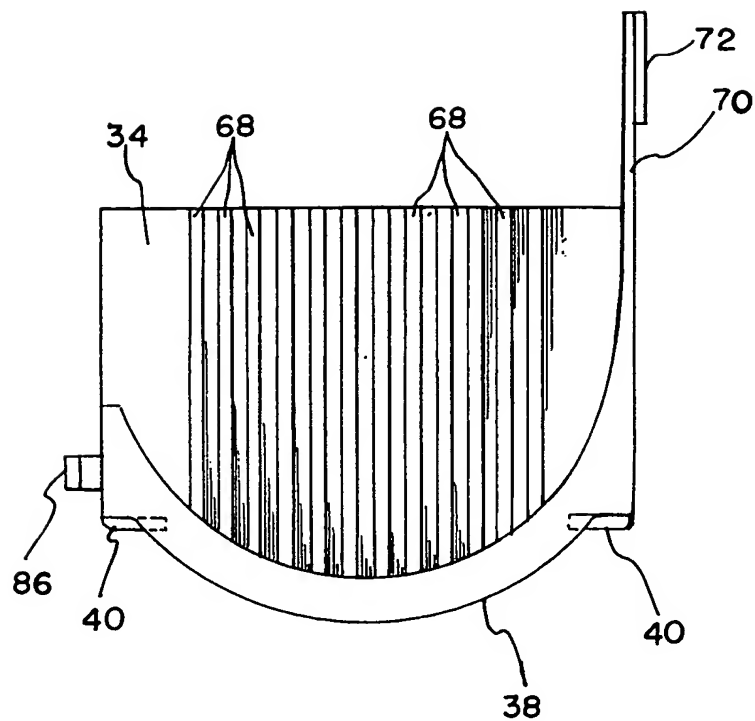


FIG. 9

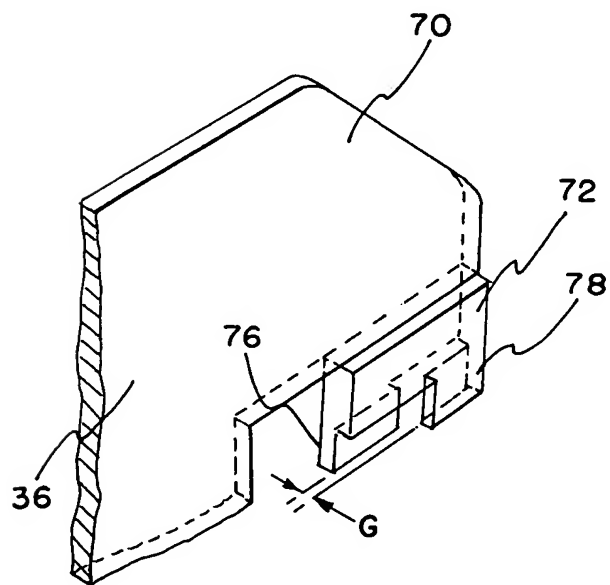


FIG. 8

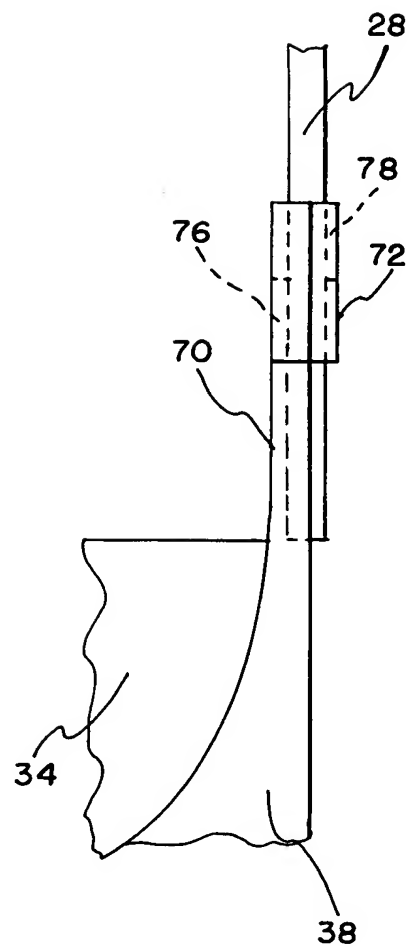


FIG. 10

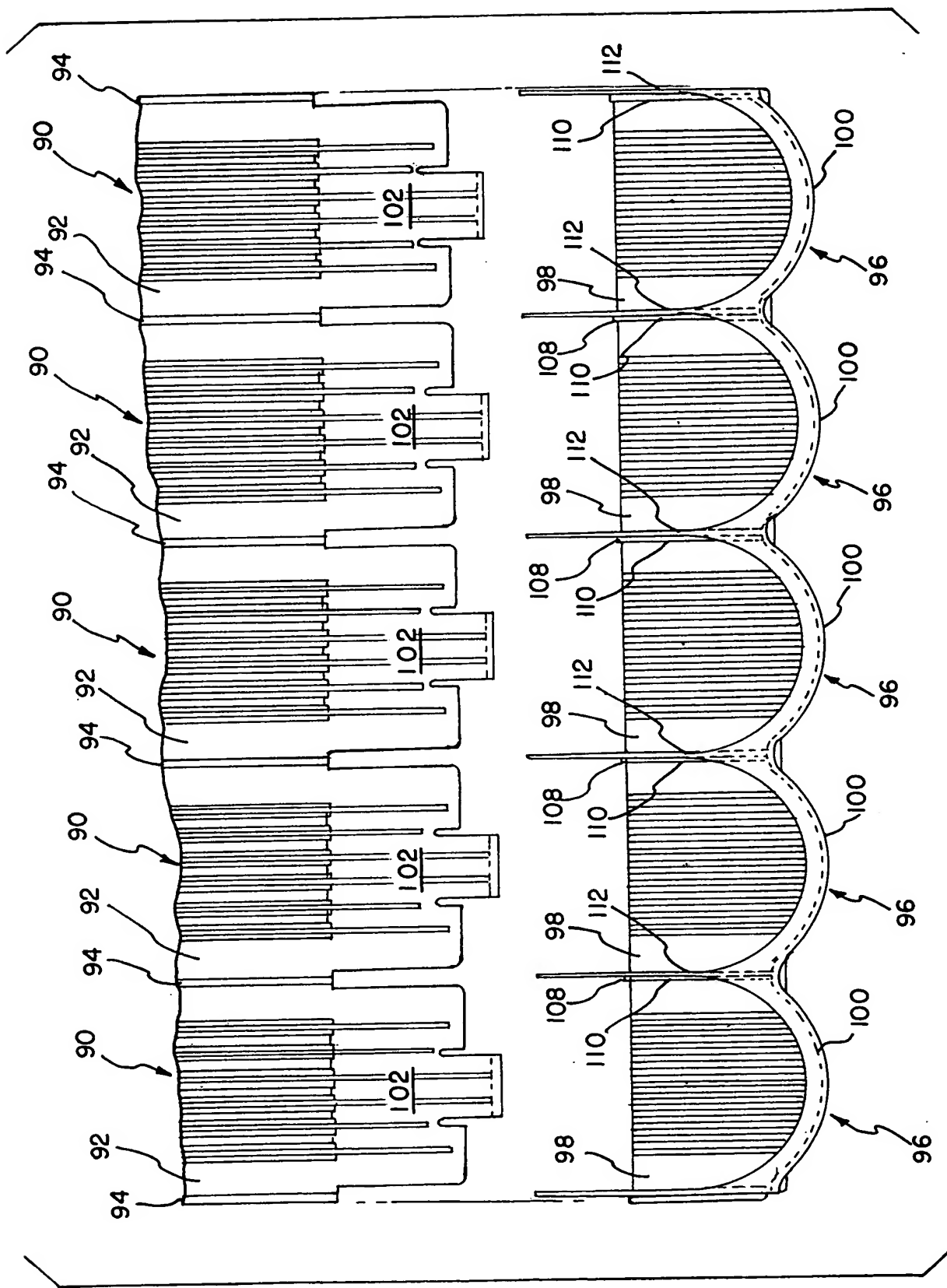


FIG. 11

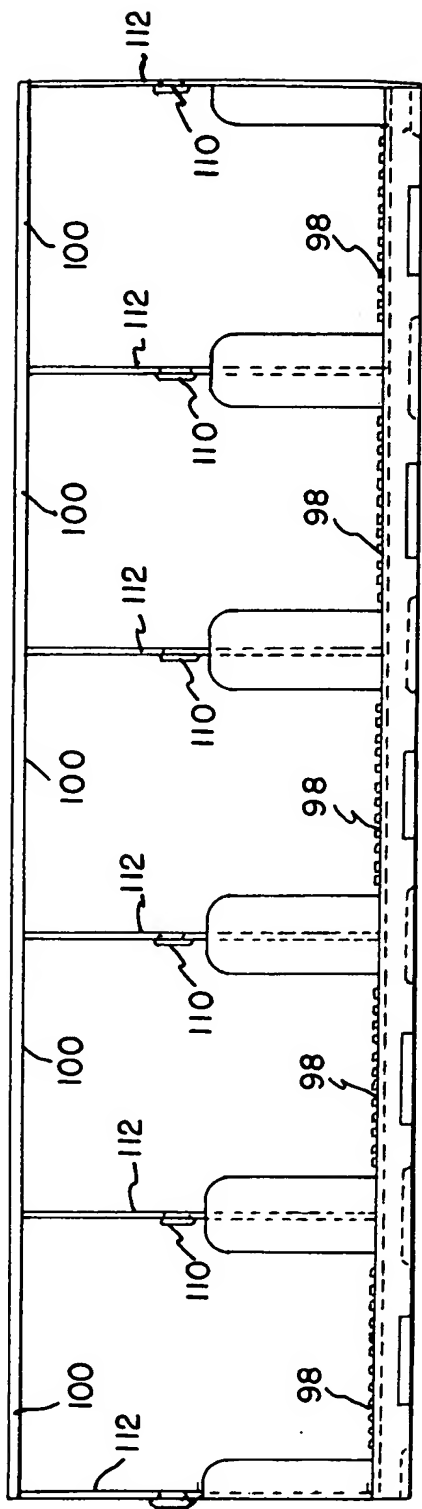


FIG. 12

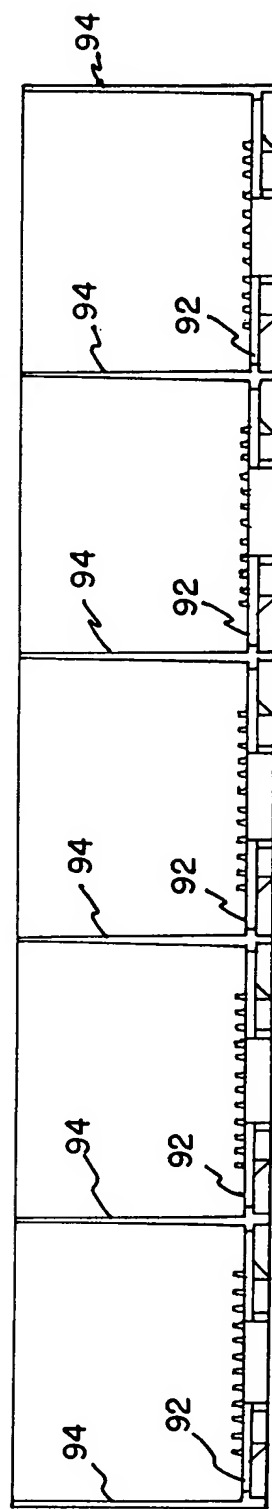


FIG. 13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Inventor(s):

Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

US Patent No.: 6,325,221

Issued: December 4, 20017

Serial No.: 08/967,381

Filed: November 8, 1997

Group Art Unit: 3634

Examiner: Tran, Khoa.


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Alexandria, VA 22313-1450



Name: John L. James

Registration No. 28,724

Date: November 10, 2003

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

STATEMENT OF STATUS AND SUPPORT FOR CHANGES TO CLAIMS

Original claims 1-17 claims have not been altered.
New claims 18-24 are presented for the first time.

New claims 18-20 are directed to a front panel
assembly for a merchandising display track device. The
track is adapted to receive a row of articles for sliding
movement therealong. The front panel assembly includes a
base with first and second vertical members upstanding
therefrom. An elongate connecting member has one end
connected to the top end portion of the first vertical
member and has its other end connected to the top end
portion of the second vertical member. The connecting
member curves outwardly away from the vertical members.

Means are provided for detachably attaching the first and second vertical members to the track device.

New claims 22-24 are similar to claims 18-20 but the front panel assembly has three vertical members and two elongate connecting members for two rows of articles. Means are provided for detachably attaching the front panel assembly to the track device.

New claim 21 recites a track base and a floor deck instead of a base. Means are provided for detachably attaching the floor deck to the track base.

Support for the new claims exists in drawings, particularly Figures 1-3, 6-10 and 14, and throughout the specification, particularly the following:

<u>Column</u>	<u>Lines</u>
4	45-47, 64-67
5	1-2, 8-25, 57-67
6	14-33, 61-67
7	1-20

Respectfully submitted,



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Atty Docket No. D-2958RE
Statement of Status and Support
Telephone: 770-792-0360
Facsimile: 770-792-0360

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Inventor(s):

Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

US Patent No.: 6,325,221

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Alexandria, VA 22313-1450



Name: John L. James

Registration No. 28,724

Date: November 10, 2003

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

PRELIMINARY AMENDMENT

Prior to examination of the above-identified
reissue application, please amend the above-identified
application as follows: In the specification please amend
the paragraphs beginning at column 2 line 47, column 3
line 37, and column 4 line 30; and add new claims 18-24.

SPECIFICATION AMENDMENTS

The present invention in [[a]] still another aspect provides a merchandising track device comprising an elongate body, and a front piece formed as a discrete structure and attached to the front end of the body. The body comprises a
5 track base for carrying a row of articles for sliding movement along the body, and at least one article-guiding side wall upstanding from the track base and extending along the body. The front piece provides a stopper for preventing the leading article in the row from exiting the track
10 device. The front piece comprises a deck for supporting the leading article, at least one longitudinally extending upright wall upstanding from the deck and disposed in general longitudinal alignment with the one side wall, and locking means for interconnecting the one upright wall and
15 the one side wall to lock the front piece in position relative to the body.

The present invention in a further aspect provides a merchandising track device comprising an elongate body and an attached front piece. The body comprises a track base for supporting a row of articles for sliding movement along the
5 body, and a tongue extending forwardly from the track base and defining the forward end of the body. The front piece ~~provide~~ provides a stopper for the leading article in the row. The front piece comprises a deck for supporting the leading article which deck has a socket for receiving the
10 tongue so that the deck and the track base are interconnected to form a continuous floor for slidably supporting the articles.

FIG. 1 illustrates a display shelf unit assembled from multiple track devices according to the present invention. This shelf unit is designed to merchandise articles C such as bottled or canned drink products. The shelf unit includes a plurality of elongate track devices 20 detachably interconnected in a side-by-side, transversely adjacent relationship. The number of ~~the track device~~ track devices 20 used to assemble the shelf unit is determined such that the size of the shelf unit is suitable for placement onto an existing display shelf in a retail store in which the unit is desired to be installed. The interconnection of two adjacent track devices is achieved by connecting means such as connector slots 80 (shown in FIG. 1) cooperating with L-shaped horizontal connector elements 82 (only one shown in FIG. 2). Details of the slots 80 and the elements 82 are described in U.S. Pat. No. 5,634,564 which is hereby incorporated by reference. Additional connecting means are provided at the front portion of each device which additional means will be described later.

20

CLAIM AMENDMENTS

Claim 1 (original): A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and second
5 members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one
10 article-guiding side wall upstanding from said track base of said each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending upwardly above an upper edge of said one side wall of said second
15 member, said one side wall of said second member having a cutout opening to said upper edge thereof and to opposite side surfaces thereof;

locking means integrally formed with said first member for interconnecting said one side wall of said first
20 member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one
25 side wall of said second member, said flexible overhang engages side of said one side wall of said second member with a lug formed integrally with said overhang and received in said cutout, whereby longitudinal displacement of said

one side wall of said first member relative to said one side
30 wall of said second member is prevented; and

a pair of engaging tabs provided disposed
respectively alongside said opposite side surfaces of said
one side wall of said second member with at least one of
said engaging tabs formed on said lug so that lateral
35 displacement of said one side wall of said first member
relative to said one side wall of said second member is
prevented.

Claim 2 (original): A merchandising track device
for displaying articles, said track device comprising:

an elongate body having a forward end, said body
comprising a track base for carrying a row of articles for
5 sliding movement along said body, a tongue extending
forwardly from said track base and defining said forward end
of said body, and at least one article-guiding side wall
upstanding from said track base and extending along said
body;

10 a front piece formed as a discrete structure
separate from said body and attached to said forward end of
said body to provide a stopper for preventing a leading
article in said row from exiting said track device, said
front piece comprising a deck for supporting said leading
15 article, at least one upright wall upstanding from said deck
and disposed in general longitudinal alignment with said one
side wall, said one upright wall including a portion
extending upwardly above an upper edge of said one sidewall;
and locking means for interconnecting said one upright wall
20 and said one side wall to lock said front piece in position
relative to said body, said locking means including a

flexible overhang integrally formed with said front piece and extending rearward from said portion of said one upright wall and disposed over said upper edge of said one side wall
25 with said flexible overhang flexing to either side of said one side wall of said second member; and

a pair of engaging tabs disposed respectively alongside opposite side surfaces of said one side wall, at least one of said engaging tabs being integrally formed with
30 said overhang, whereby lateral displacement of said one upright wall relative to said one side wall is prevented, and wherein one sidewall has a cutout opening to said upper edge and said opposite side surface thereof, and at

least one engaging tab is formed on a lug to engage
35 in said cutout.

Claim 3 (original): The track device according to claim 2, wherein said lug has a thickness greater than a thickness of said one side wall, and both said engaging tabs are formed on said lug.

5

Claim 4 (original): The track device according to claim 2, wherein said tongue is provided with a hooking element projecting therefrom, and said deck has a strip portion having a front and rear opposed faces, said front
5 face providing an edge for engaging said hooking element to prevent forward displacement of said front piece with respect to said body, said rear face sloping to facilitate insertion of said tongue into said socket.

Claim 5 (original): The track device according to claim 4, wherein said engaging edge of said deck extends transversely of said body.

Claim 6 (original): The track device according to claim 5, wherein said strip portion is provided by said lower wall and extends transversely of said body, said rear face of said strip portion sloping downwardly and
5 rearwardly, said hooking element projecting downwardly from a lower surface of said tongue.

Claim 7 (original): The track device according to claim 4, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial
5 flexibility, and said one of said plural portions is provided with said hooking element.

Claim 8 (original): The track device according to claim 2, wherein said engaging tabs are disposed with a lateral gap therebetween to receive in said gap an edge of said one sidewall.

5

Claim 9 (original): The track device according to claim 8, wherein said engaging tabs are opposed to each other across a thickness of said one side wall.

Claim 10 (original): The track device according to claim 8, wherein said engaging tabs are disposed at positions offset from each other along a length of said one side wall.

Claim 11 (original): The track device according to claim 2, wherein said body and said front piece are formed from different material.

Claim 12 (original): The track device according to claim 11, wherein said body is molded of polystyrene, and said front piece is molded of polycarbonate.

Claim 13 (original): The track device according to claim 2, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial
5 flexibility, and said one of said plural portions is provided with said hooking element.

Claim 14 (original): A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and second
5 members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one article-guiding side wall upstanding from said track base of
10 said each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending upwardly above an upper edge of said one side wall of said second
15 member, said one side wall of said second member having a

cutout opening to said upper edge thereof and to opposite side surfaces thereof;

said second member comprising a tongue extending longitudinally from said track base of said second member, said tongue defining an end of said second member, said first member having an end-opening socket for receiving said tongue so that said track bases of said first and second members are interconnected, said tongue being formed on said track base of said second member such that an upper surface of said tongue is disposed below an upper surface of said track base of said second member to allow said upper surface of said track base of said second member and an upper surface of said track base of said first member to form a continuous floor for slidably supporting said articles, wherein said track base of said first member comprises upper and lower opposed walls, and said socket is defined between said upper and lower walls; and

locking means integrally formed with said first member for interconnecting said one side wall of said first member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one side wall of said second member with said flexible overhang flexing to either side of said one side wall of said second member, and a lug with tabs formed integrally with and extending from said overhang and received in said cutout, whereby longitudinal displacement of said one side wall of said first member relative to said one side wall of said second member is prevented.

Claim 15 (original): The track device according to claim 14, wherein said tongue is provided with a hooking element projecting therefrom, and said track base of said first member has a strip portion having a front and rear
5 opposed faces, said front face providing an edge for engaging said hooking element to prevent longitudinal displacement of said first member with respect to said second member, said rear face sloping to facilitate insertion of said tongue into said socket.

10

Claim 16 (original): A merchandising track device for displaying articles, said track device comprising:

an elongate body having a forward end, said body comprising a track base for carrying a row of articles for
5 sliding movement along said body, a tongue extending forwardly from said track base and defining said forward end of said body, and at least one article-guiding side wall upstanding from said track base and extending along said body; and

10

a front piece formed as a discrete structure separate from said body and attached to said forward end of said body to provide a stopper for preventing a leading article in said row from exiting said track device, said front piece comprising a deck for supporting said leading
15 article, said deck having a socket for receiving said tongue so that said deck and said track base are interconnected, said tongue being formed on said track base such that an upper surface of said tongue is disposed below an upper surface of said track base to allow said upper surface of
20 said track base and an upper surface of said deck to form a

continuous floor for slidably supporting said articles, at least one upright wall upstanding from said deck and disposed in general longitudinal alignment with said one side wall, said one upright wall including a portion
25 extending upwardly above an upper edge of said one sidewall; and locking means integrally formed with said front piece for interconnecting said one upright wall with said one side wall to lock said front piece in position relative to said body, said locking means including a flexible overhang
30 extending rearward from said portion of said one upright wall and disposed over said upper edge of said one side wall having said cutout, said flexible overhang flexing to either side of said one side wall of said second member; and
a pair of engaging tabs disposed respectively
35 alongside opposite side surfaces of said one side wall in a cutout with at least one of said engaging tabs being integrally formed with said overhang so that lateral displacement of said one upright wall relative to said one side wall is prevented.

40

Claim 17 (original): The track device according to claim 16, wherein said tongue is provided with a hooking element projecting therefrom, and said deck has a strip portion having front and rear opposed faces, said front face
5 providing an edge for engaging said hooking element to prevent forward displacement of said front piece with respect to said body, said rear face sloping to facilitate insertion of said tongue into said socket.

Claim 18 (new): A front panel assembly for a merchandising display track device, said track device being

adapted to receive a row of articles for sliding movement therealong, said front panel assembly, comprising:

5 a base adapted to receive said row of articles for sliding movement therealong;

 a first upstanding vertical member having a top end portion, a bottom end portion and a front edge, said first vertical member being connected along its bottom end
10 portion to said base;

 a second upstanding vertical member having a top end portion, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and connected along its bottom end portion
15 to said base;

 an elongate connecting member having a first end connected to said top end portion of said first vertical member and a second end portion connected to said top end portion of said second vertical member, said connecting
20 member curving outwardly away from said vertical members; and

 means for detachably attaching said first and second vertical members to said track device.

Claim 19 (new): A front panel, as set forth in claim 18, including:

 a first face member connected to said front edge of said first vertical member, said first face member
5 extending laterally a preselected distance from said first vertical member toward said second vertical member; and

 a second face member connected to said front edge of said second vertical member, said second face member extending laterally a preselected distance from said second
10 vertical member toward said first vertical member.

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REISSUE APPLICATION DECLARATION BY THE ASSIGNEE		Docket Number (optional) D-2958RE
I hereby declare that:		
The residence, mailing address and citizenship of the inventors are stated below.		
I am authorized to act on behalf of the following assignee: <u>Display Industries, LLC.</u>		
and the title of my position with said assignee is: <u>President</u>		
The entire title to the patent identified below is vested in said assignee.		
Inventor Dennis E. Parham	Citizenship US	
Residence/Mailing Address 2509 Hollins Drive, NW, Kennesaw, GA 30152		
Inventor	Citizenship	
Residence/Mailing Address		
<input type="checkbox"/> Additional Inventors are named on separately numbered sheets attached hereto.		
Patent Number 6,325,221	Date of Patent Issued December 4, 2001	
Title of Invention Merchandising Display Track Device Of Multiple-Piece Construction		
I believe said inventor(s) to be the original and first inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled:		
the specification of which		
<input checked="" type="checkbox"/> is attached hereto.		
<input type="checkbox"/> was filed on _____ as reissue application number _____ / _____		
and was amended on _____ (If applicable)		
I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.		
I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.		
<input type="checkbox"/> I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.		
I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)		
<input type="checkbox"/> by reason of a defective specification or drawing.		
<input checked="" type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent.		
<input type="checkbox"/> by reason of other errors.		

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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REISSUE APPLICATION DECLARATION BY THE ASSIGNEE

Docket Number (Optional)
D-2958RE

At least one error upon which reissue is based is described as follows:
Applicant failed to claim subject matter disclosed in the original specification pertaining to the front piece of the track device.

[Attach additional sheets, if needed.]

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby appoint:

☐ Practitioners at Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
John L. James	28,724

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Correspondence Address: Direct all communications about the application to:

☐ Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	John L. James				
Address	P. O. Box 2025				
Address					
City	Marietta	State	GA	Zip	30061
Country	US				
Telephone	770-792-0360	Fax	770-792-0360		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of person signing (given name, family name)

Mark A. Higgins

Signature

Date

11-5-03

Address of Assignee

5850 Peachtree Industrial Boulevard, Norcross, GA 30071-1413

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Dennis E. Parham

Application No./Patent No.: 6,325,221 Filed/Issue Date: December 4, 2001

Entitled: Merchandising Track Device Of Multiple-Piece Construction

Display Industries, LLC. a Limited Liability Company of Georgia
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Dennis E. Parham To: The Mead Corporation

The document was recorded in the United States Patent and Trademark Office at
Reel 009090, Frame 0616, or for which a copy thereof is attached.

2. From: The Mead Corporation To: Display Industries, LLC.

The document was recorded in the United States Patent and Trademark Office at
Reel 010996, Frame 0001, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

11/5/03
Date

404-350-4801

Telephone number

Mark A. Higgins

Typed or printed name

[Signature]
Signature

President

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Inventor(s):

Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

US Patent No.: 6,325,221

Issued: December 4, 20017

Serial No.: 08/967,381

Filed: November 8, 1997

Group Art Unit: 3634

Examiner: Tran, Khoa.

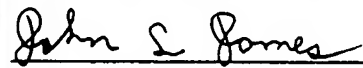
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Date: November 10, 2003

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

AFFIDAVIT OF MARK A. HIGGINS

State of Georgia
County of Gwinnett

Mark A. Higgins, being duly sworn, and having
personal knowledge of the facts set forth herein, hereby
deposes and says that:

1. Prior to 1998 Mr. Dennis E. Parham and I were
employed by The Mead Corporation.

2. While employed by The Mead Corporation Mr.
Parham and I worked together for a number years to

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Inventor(s):

Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

US Patent No.: 6,325,221

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Registration No. 28,724

Date: November 10, 2003

Commissioner for Patents
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Sir:

AFFIDAVIT OF JAMES DAVID ROBERTSON

State of Georgia
County of Gwinnett

James David Robertson, being duly sworn, and
having personal knowledge of the facts set forth herein,
hereby deposes and says that:

1. Prior to 1998 Mr. Dennis E. Parham and I were
employed by The Mead Corporation.

2. While employed by The Mead Corporation Mr.
Parham and I worked on projects together for eight years.

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POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM

Application Number

Filing Date

First Named Inventor

Dennis E. Parham

Title

Merchandising Display Track

Art Unit

3634

Examiner Name

Khoa Tran

Attorney Docket Number

D-2958RE

I hereby appoint:

☐

Practitioners associated with the Customer Number:

OR

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Practitioner(s) named below:

Name	Registration Number
John L. James	28,724

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John L. James

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30061-2025

Country

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Telephone

770-792-0360

Fax

770-792-0360

I am the:

☐

Applicant/Inventor.

☒

Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name

Mark A. Higgins

Signature



Date

11-5-03

Telephone

404-350-4801

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒

*Total of 1 forms are submitted.

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MERCHANDISING DISPLAY TRACK
DEVICE OF MULTIPLE-PIECE
CONSTRUCTION

ABSTRACT

A merchandising track device for displaying articles is disclosed. The device comprises first and second elongate track members formed separately as two discrete structures. The first and second members are connected together in an end-to-end, longitudinally adjacent relationship. Each member comprises a track base for carrying articles for sliding movement along the respective member, and at least one article-guiding side wall upstanding from the track base of the respective member and extending along the respective member. The one side wall of the first member is disposed in general longitudinal alignment with the one side wall of the second member. The track device further comprises a locking mechanism for interconnecting the one side wall of the first member and the one side wall of the second member to lock the first and second members in position relative to each other. The locking mechanism comprises a part of the first member for preventing longitudinal displacement of the one side wall of the first member relative to the one side wall of the second member. In a track device in another form, the second member comprises a tongue extending longitudinally from its track base which tongue defines an end of the second member. The first member has an end-opening socket for receiving the tongue so that the track bases of the first and second members are interconnected to form a continuous floor for stably supporting the articles.

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MERCHANDISING DISPLAY TRACK DEVICE OF MULTIPLE-PIECE CONSTRUCTION

BACKGROUND OF THE INVENTION

This invention relates to a display track device for merchandising articles, and more particularly to a channel-shaped track device of a multiple-piece construction which enables low-cost molding of such devices.

Channel-shaped track devices have been used in the merchandising of a variety of products. The track devices, typically, are supported on a support surface such as a shelf in a tilted condition. Each device receives articles in a row so that the received articles slide or gravity feed one after another to the front of the respective track as the leading articles in the row are removed from the track. Among these known track devices, two-piece construction devices are disclosed, for example, in U.S. Pat. No. 4,478,337 (Flum); U.S. Pat. No. 4,724,968 (Wombacher); and U.S. Pat. No. 5,240,126 (Foster et al). Wombacher and Foster et al each disclose a track device having a separate front stopper attached to the track base. Because these patents require a transversely extending front wall to assure the structural strength of the device, the front stoppers taught by these patents cannot be used to construct some type of track devices wherein such front walls are not desired. Front walls would conflict with the arrangement shown, for example, in U.S. Pat. No. 5,645,176 to Jay where increased visibility of leading articles is intended.

Flum's device includes front and rear separate members arranged in telescoping relationship which may be employed in Jay's track device. However, the Flum patent requires side walls of a hollow, double-wall structure which is not only expensive but also bulky such that it requires substantial dead space between two adjacent tracks.

What is needed, therefore, is an improved multiple-piece construction track device which allows economical production of a variety of designs to different portions of the track.

SUMMARY OF THE INVENTION

The track device of the invention has a special joint for firmly connecting two or more separate lengths of the track device together to create a one continuous track.

The present invention in one aspect provides a merchandising track device comprising first and second elongate track members formed separately as two discrete structures. The first and second members are connected together in an end-to-end, longitudinally adjacent relationship. Each member comprises a track base for carrying articles for sliding movement along the respective member, and at least one article-guiding side wall upstanding from the track base of the respective member and extending along the respective member. The one side wall of the first member is disposed in general longitudinal alignment with the one side wall of the second member. The track device further comprises locking means for interconnecting the one side wall of the first member and the one side wall of the second member to lock the first and second members in position relative to each other. The locking means comprises longitudinal retention means for preventing longitudinal displacement of the one side wall of the first member relative to the one side wall of the second member.

This arrangement allows low-cost application of a variety of designs as well as materials to different parts of the track device. For example, an expensive mold of a complicated

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structure can be replaced by two or more less expensive, less complicated molds to form the device of the invention. Further, expensive material can be used only for a particular portion of the device where the use of such material is essential.

In a preferred embodiment, the longitudinal retention means comprises an overhang extending rearward from the one side wall of the first member along the upper edge of the one side wall of the second member, and a lug depending from the overhang and received in a cutout formed along the upper edge of the one side wall of the second member. In addition to the longitudinal retention means, the locking means may also include lateral retention means for preventing lateral displacement of the one side wall of the first member relative to the one side wall of the second member. The lateral retention means comprises a pair of engaging tabs provided for the first member. The engaging tabs are disposed respectively alongside the opposite side surfaces of the one side wall of the second member, and at least one of the engaging tabs is formed on the lug.

The present invention in another aspect provides a merchandising track device comprising first and second separately formed, elongate track members. The first and second members are connected together in an end-to-end, longitudinally adjacent relationship. Each member comprises an article-carrying track base. The second member comprises a tongue extending longitudinally from the track base of the second member which tongue defines an end of the second member. The first member has an end-opening socket for receiving the tongue so that the track bases of the first and second members are interconnected to form a continuous floor for slidably supporting articles. This arrangement also allows economical application of a variety of designs and materials to different parts of the track device.

In a preferred embodiment, the track base of the first member comprises upper and lower opposed walls, and the socket is defined between the upper and lower walls.

In another preferred embodiment, the upper surface of the tongue is disposed below the continuous floor of the device so that the upper surfaces of the track bases may lie in a common plain. The tongue may be provided with a downwardly projecting hooking element, and the track base of the first member may have a transversely extending edge for engaging the hooking element to prevent longitudinal displacement of the first member with respect to the second member.

The present invention in a still another aspect provides a merchandising track device comprising an elongate body, and a front piece formed as a discrete structure and attached to the front end of the body. The body comprises a track base for carrying a row of articles for sliding movement along the body, and at least one article-guiding side wall upstanding from the track base and extending along the body. The front piece provides a stopper for preventing the leading article in the row from exiting the track device. The front piece comprises a deck for supporting the leading article, at least one longitudinally extending upright wall upstanding from the deck and disposed in general longitudinal alignment with the one side wall, and locking means for interconnecting the one upright wall and the one side wall to lock the front piece in position relative to the body.

The elongate body and the front piece may be molded from either plastic or metal (e.g., aluminum, aluminum compound or the like). The body and the front piece may be formed from different material. Although any plastic or metal may be used to construct the device of the invention,

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the most preferred material for the body is polystyrene whereas the most preferred material for the front piece is polycarbonate.

A preferred embodiment of the locking means comprises lateral retention means for preventing lateral displacement of the one upright wall relative to the one side wall. Such lateral retention means may be a pair of engaging tabs provided for the one upright wall which engaging tabs are disposed alongside the opposite side surfaces of the one side wall, respectively. These engaging tabs are disposed with a lateral gap therebetween to receive in the gap an edge of the one side wall. The engaging tabs may be opposed to each other across the thickness of the one side wall. Alternatively, the engaging tabs may be disposed at positions offset from each other along the length of the one side wall.

Another preferred embodiment of the locking means comprises longitudinal retention means for preventing longitudinal displacement of the one upright wall relative to the one side wall. The longitudinal retention means may comprise an overhang extending rearward from the one upright wall along the upper edge of the one side wall, and a lug depending from the overhang. Such a longitudinal retention means cooperates with a cutout formed along the upper edge of the one side wall to receive the lug.

The aforementioned lateral retention means may also be incorporated into the arrangement with the longitudinal retention means which lateral retention means comprises a pair of engaging tabs provided for the one upright wall. In such an arrangement, at least one of the engaging tabs is formed on the lug. In the arrangement where both the engaging tabs are formed on the lug, the lug may have a thickness greater than the thickness of the one side wall. Alternatively, in the arrangement wherein only one of the engaging tabs is formed on the lug, the other tab may be formed on the one upright wall or on the overhang.

The present invention in a further aspect provides a merchandising track device comprising an elongate body and an attached front piece. The body comprises a track base for supporting a row of articles for sliding movement along the body, and a tongue extending forwardly from the track base and defining the forward end of the body. The front piece provides a stopper for the leading article in the row. The front piece comprises a deck for supporting the leading article which deck has a socket for receiving the tongue so that the deck and the track base are interconnected to form a continuous floor for slidably supporting the articles.

In a preferred embodiment, the deck comprises upper and lower opposed walls, and the socket is defined between the upper and lower walls.

In another preferred embodiment, the upper surface of the tongue is disposed below the continuous floor so that the upper surface of the deck and the upper surface of the track base may lie in a common plain. The tongue may be provided with a downwardly projecting hooking element, and the deck may have a transversely extending edge for engaging the hooking element to prevent forward displacement of the front piece.

The objects and advantages of the present invention will be apparent from the following description, the accompanying drawings and the appended claims.

BRIEF DESCRIPTION OF THE DRAWINGS

In the drawings,

FIG. 1 is a perspective view of a shelf unit assembled from a plurality of track devices according to the present invention;

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FIG. 2 is a fragmentary perspective view of one of the track devices in FIG. 1;

FIG. 3 is an exploded perspective view of the track device in FIG. 2;

FIG. 4 is a front elevation of the front piece in FIG. 3;

FIG. 5 is a bottom plan view of the front piece in FIG. 3;

FIG. 6 is a view taken along the line VI—VI in FIG. 5;

FIG. 7 is a view similar to FIG. 6 except that the body is connected to the front piece by the insertion of the tongue into the socket;

FIG. 8 is an enlarged perspective view of the locking means in FIG. 3;

FIG. 9 is a top plan view of the front piece in FIG. 3;

FIG. 10 is an enlarged top plan view of the locking means in FIG. 9;

FIG. 11 is an exploded top plan view of the second embodiment of the present invention;

FIG. 12 is a front elevation of the joined front pieces in FIG. 11;

FIG. 13 is a front elevation of the joined bodies in FIG. 11; and

FIG. 14 is an enlarged perspective view of the locking means in FIG. 11.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

FIG. 1 illustrates a display shelf unit assembled from multiple track devices according to the present invention. This shelf unit is designed to merchandise articles C such as bottled or canned drink products. The shelf unit includes a plurality of elongate track devices 20 detachably interconnected in a side-by-side, transversely adjacent relationship. The number of the track device 20 used to assemble the shelf unit is determined such that the size of the shelf unit is suitable for placement onto an existing display shelf in a retail store in which the unit is desired to be installed. The interconnection of two adjacent track devices is achieved by connecting means such as connector slots 80 (shown in FIG. 1) cooperating with L-shaped horizontal connector elements 82 (only one shown in FIG. 2). Details of the slots 80 and the elements 82 are described in U.S. Pat. No. 5,634,564 which is hereby incorporated by reference. Additional connecting means are provided at the front portion of each device which additional means will be described later.

The shelf unit may be supported on a horizontal surface and may preferably be incorporated with a spring-loaded pusher for moving the loaded articles forwardly of the unit. An example of conventional pushers is shown in U.S. Pat. No. 5,634,564. However, the shelf unit may also be supported on a forwardly and downwardly tilted surface. In a tilted condition, each track device 20 operates as a so called "gravity feed" dispensing device which does not require any mechanical pushers. On a gravity feed device, the loaded articles have a natural tendency to automatically slide downwardly and forwardly to the front end of the track. The angle of tilt from the horizontal may vary somewhat but such an angle may be about 1 to 20 degrees and preferably about 3.5 to 8 degrees. The angle of tilt in most applications of the invention may be approximately 6 degrees from horizontal.

FIGS. 2 and 3 illustrate one of the track devices 20 in the form separated from the shelf unit. As all the devices 20 are virtually the same in size and structure, only one device is described hereinafter. As illustrated, the track device 20 has a two-piece construction formed of molded plastic material

and includes a first member or front piece 24 and a second member or elongate track body 22. The body 22 includes an article-supporting track base 26, an article-guiding side wall 28, a rear wall 30, and a side lip 32. The side wall 28 is upstanding from one of the side edges of the track base 26. The rear wall 30 is upstanding from the rear end of the track base 26. The side lip 32 is formed along the other side edge of the track base 26. The track base 26, the side wall 28 and the side wall of the adjacent track body 22 (shown in FIG. 1), in cooperation, define a channel for receiving a row of articles C.

The front piece 24 is molded separately from the body 22 to provide a front stopper for preventing the leading article in the row from exiting the track device. As illustrated in FIGS. 2, 3 and 4, the front piece 24 includes a track base or deck 34, a longitudinally extending side wall or upright wall 36, an upper stopper element 38, and a pair of lower stopper elements 40. The upright wall 36 is upstanding from one of the opposite side edges of the deck 34 to be disposed in general longitudinal alignment with the side wall 28. The upper stopper element 38 extends transversely of the device 20 to bridge between the respective upper ends of the upright wall 36 and a post 42 which is upstanding from the other side edge of the deck 34. The upper stopper element 38 is the portion against which the leading article on the respective device 20 rests when it is arrested by the front piece 24. Details of the upper stopper element are described in U.S. Pat. No. 5,645,176 which is hereby incorporated by reference. The lower stopper elements 40 extend upwardly from the deck 36 along the respective front edges of the upright wall 36 and the post 42. These lower stopper elements 40 cooperate with the upper stopper element 38 to arrest the leading article.

To interconnect the front piece 24 with the body 22, a tongue 44 is formed integrally with the body 22 as shown in FIG. 3. The tongue 44 extends forwardly from the track base 26 and defines the forward end of the body 22. A pair of notches 46 are formed in the tongue 44 to divide the tongue 44 into three portions, i.e., a pair of side portions 48 and a medial portion 50. Due to the notches 46, the medial portion 50 exhibits substantial flexibility. The medial portion 50 is provided along its transversely extending free end edge with a downwardly projecting hooking rib 52.

The upper surface of the tongue 44 is disposed below a common plane in which the tops or peaks of upwardly projecting parallel ribs 54 lie. The ribs 54 are formed integrally with the track base 26 along the length of the track device 20 to minimize friction between the track base 26 and the articles to be carried thereon. In other words, the ribs 54 provide a part of the "continuous floor" for slidably supporting articles, which continuous floor lies in the aforesaid common plane. Because the upper surface of the tongue 44 is below the common plane, the deck 34 is allowed to cooperate with the ribs 54 to form the continuous floor when the front piece 24 is attached to the body 22. This will be described later more specifically. The ribs 54, preferably, are arranged at equal spacings and are of a generally trapezoidal cross section.

The means for cooperating or mating with the tongue 44 is provided for the front piece 24 in the form of a socket 60 that is defined between the upper and lower opposed walls 56 and 58 of the deck 34 (see FIGS. 5 and 6). The lower wall 58 includes a strip portion 62 extending transversely of the deck 34. This strip portion 62 has a front face which provides a transversely extending engaging edge 64 for engagement with the hooking rib 52 of the tongue 44. The rear face 66 of the strip portion 62 slopes downwardly and rearwardly to facilitate insertion of the tongue 44 into the socket 60.

Further, the upper wall 56 of the deck 34 is formed integrally with a plurality of upwardly projecting parallel ribs 68. These ribs 68 are arranged such that they are brought into longitudinal alignment with the ribs 54 of the track base 26 when the front piece 24 is attached to the track body 22. However, the vertical size of the ribs 68 is substantially less than that of the ribs 54 so that when the body 22 and front piece 24 are interconnected, the tops or peaks of the ribs 68 and those of the ribs 54 can lie in the aforesaid common plane to provide the "continuous floor" for articles. For this reason, the vertical size of the ribs 54 is equal to the total thickness or vertical size of the upper wall 56 and the ribs 68. This is best shown in FIG. 7.

Locking means is provided for the front piece 24 to interconnect the upright wall 36 and the side wall 28. Such locking means comprises an overhang 70 joined to the upright wall 36 and extending rearward along the upper edge of the side wall 28. An engaging lug 72 is formed integrally with the overhang 70 and depends from the overhang 70 to be received in a cutout 74 (shown in FIG. 3) formed in the side wall 28 along its upper edge. The thickness or transverse size "T" (shown in FIG. 5) of the lug 72 is greater than that of the side wall 28.

As best shown in FIGS. 5 and 8, a pair of inner and outer engaging tabs 76 and 78 are joined to the lower end of the lug 72 and extend downwardly therefrom. These engaging tabs 76 and 78 are disposed with a lateral gap "G" between themselves to receive in the gap "G" the horizontally extending periphery of the cutout 74. The illustrated engaging tabs 76 and 78 are disposed at positions offset from each other; however, they may be transversely aligned or opposed across the gap "G".

In addition, keyhole apertures 84 (shown in FIGS. 2, 3, 6 and 7) are formed in the upright wall 36 to connect the front piece 24 with the adjacent like front piece. Mating with the keyhole apertures 84 are headed tabs 86 of a T-shaped vertical cross section projecting sideward from the post 42 (shown in FIGS. 4, 5 and 9). These apertures and tabs 84 and 86 cooperate with the aforementioned slots and elements 80 and 82 to interconnect the track device 20 with an adjacent like track device. In place of these illustrated connecting means, however, a variety of conventional mechanisms may be used to secure two adjacent track devices 20 in such a side-to-side, transversely adjacent relationship.

The above body 22 and the front piece 24 may be molded from either plastic or metal; however, they are preferably formed from a plastic material such as polyvinyl chloride, polystyrene, polycarbonate or the like. Among these plastic materials, the most preferred material for manufacturing the body 22 is high impact polystyrene whereas the most preferred material for manufacturing the front piece 24 is polycarbonate. The polystyrene for molding the body 22 may have silicone or some other suitable lubricant material dispersed therein in order to reduce friction between the ribs 54 and the articles to be placed thereon. However, body 22 and the front piece may be formed from the same material. For example, when both the body 22 and the front piece 24 are made of polycarbonate, an entirely transparent track device may be created.

The front piece 24 may be attached to the body 22 in the following manner: The tongue 44 of the body 22 is inserted through the rear end opening (i.e., the entrance of the socket 60) of the deck 34 until the lug 72 abuts the front edge of the side wall 28. The overhang 70 is then slightly flexed toward either side of the side wall 28 to prevent the lug 72 from interfering with the side wall 28. Further forward movement

of the tongue 44 causes the hooking rib 52 to abut the rear sloping face 66 of the strip portion 62. As the insertion is continued, the hooking rib 52 is caused to slide upwardly along the sloping face 66 while the medial portion 50 is resiliently bent upwardly. The hooking rib 52 is thus guided along the surface of the strip portion 62 until the tongue 44 is fully inserted to allow the hooking rib 52 to snap-engage the edge 64 of the strip portion 62 (see FIG. 7). This engagement prevents forward displacement or undesired detachment of the deck 34 from the track base 26.

Meanwhile the overhang 70 is slightly twisted to manipulate the inner and outer engaging tabs 76 and 78 to receive in the gap "G" the horizontally extending peripheral edge of the cutout 74. By this means, the lug 72 snugly fits into the cutout 74 with the inner and outer engaging tabs 76 and 78 being positioned alongside the inside and outside surfaces of the side wall 28, respectively. Such an arrangement of the inner and outer tabs 76 and 78 is best shown in FIG. 10. This arrangement prevents both forward and lateral displacement of the upright wall 36 with respect to the side wall 28.

It will be recognized that many variations may be made to the foregoing within the scope of the present invention. For example, the track device of the invention may include three or more separately formed, longitudinally adjacent track members, wherein each pair of two adjacent track members are connected together through the locking means and/or the tongue-and-socket joint mentioned above. It should be also recognized that each of the first and second track members 24 and 22 may have a pair of side walls wherein the side walls of the first member 24 are connected respectively to the side walls of the second member 22 through the locking means.

It should be further recognized that the present invention may be incorporated into a shelf unit wherein multiple first track members are molded together in a side-by-side, longitudinally adjacent relationship and so are multiple second track members. An example of such a variation is illustrated in FIGS. 11-14 wherein a plurality of track bodies 90 are molded together so that the respective track bases 92 are joined together through side walls 94. A plurality of front pieces 96 are also molded together so that the respective decks 98 are joined together and the respective upper stopper elements 100 are joined together in series. Each pair of a body 90 and a front piece 96 employs a tongue 102 and a socket virtually equal to the tongue and the socket described in the foregoing embodiment. However, the locking means used in this embodiment is different from the one in the foregoing embodiment. As shown in FIG. 14, the locking means includes an outer engaging tab 104 depending from the lug 106 and an inner engaging tab 108 extending rearward from a ledge 110 that is formed on the inside surface of the respective upright wall 112. When the front pieces 96 are attached to the bodies 90, the rear end of the ledge 110 is brought into abutment with the forward end of the associated side wall 94, and the inner tab 108 is located alongside the inside surface of the side wall 94.

What is claimed is:

1. A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and second members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one article-guiding side wall upstanding from said track base of said each member and extending along said

each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending upwardly above an upper edge of said one side wall of said second member, said one side wall of said second member having a cutout opening to said upper edge thereof and to opposite side surfaces thereof;

locking means integrally formed with said first member for interconnecting said one side wall of said first member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one side wall of said second member, said flexible overhang engages side of said one side wall of said second member with a lug formed integrally with said overhang and received in said cutout, whereby longitudinal displacement of said one side wall of said first member relative to said one side wall of said second member is prevented; and

a pair of engaging tabs provided disposed respectively alongside said opposite side surfaces of said one side wall of said second member with at least one of said engaging tabs formed on said lug so that lateral displacement of said one side wall of said first member relative to said one side wall of said second member is prevented.

2. A merchandising track device for displaying articles, said track device comprising:

an elongate body having a forward end, said body comprising a track base for carrying a row of articles for sliding movement along said body, a tongue extending forwardly from said track base and defining said forward end of said body, and at least one article-guiding side wall upstanding from said track base and extending along said body;

a front piece formed as a discrete structure separate from said body and attached to said forward end of said body to provide a stopper for preventing a leading article in said row from exiting said track device, said front piece comprising a deck for supporting said leading article, at least one upright wall upstanding from said deck and disposed in general longitudinal alignment with said one side wall, said one upright wall including a portion extending upwardly above an upper edge of said one sidewall; and locking means for interconnecting said one upright wall and said one side wall to lock said front piece in position relative to said body, said locking means including a flexible overhang integrally formed with said front piece and extending rearward from said portion of said one upright wall and disposed over said upper edge of said one side wall with said flexible overhang flexing to either side of said one side wall of said second member; and

a pair of engaging tabs disposed respectively alongside opposite side surfaces of said one side wall, at least one of said engaging tabs being integrally formed with said overhang, whereby lateral displacement of said one upright wall relative to said one side wall is prevented, and wherein one sidewall has a cutout opening to said upper edge and said opposite side surface thereof, and at least one engaging tab is formed on a lug to engage in said cutout.

3. The track device according to claim 2, wherein said lug has a thickness greater than a thickness of said one side wall, and both said engaging tabs are formed on said lug.

4. The track device according to claim 2, wherein said tongue is provided with a hooking element projecting therefrom, and said deck has a strip portion having a front and rear opposed faces, said front face providing an edge for engaging said hooking element to prevent forward displacement of said front piece with respect to said body, said rear face sloping to facilitate insertion of said tongue into said socket.

5. The track device according to claim 4, wherein said engaging edge of said deck extends transversely of said body.

6. The track device according to claim 5, wherein said strip portion is provided by said lower wall and extends transversely of said body, said rear face of said strip portion sloping downwardly and rearwardly, said hooking element projecting downwardly from a lower surface of said tongue.

7. The track device according to claim 4, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial flexibility, and said one of said plural portions is provided with said hooking element.

8. The track device according to claim 2, wherein said engaging tabs are disposed with a lateral gap therebetween to receive in said gap an edge of said one sidewall.

9. The track device according to claim 8, wherein said engaging tabs are opposed to each other across a thickness of said one side wall.

10. The track device according to claim 8, wherein said engaging tabs are disposed at positions offset from each other along a length of said one side wall.

11. The track device according to claim 2, wherein said body and said front piece are formed from different material.

12. The track device according to claim 11, wherein said body is molded of polystyrene, and said front piece is molded of polycarbonate.

13. The track device according to claim 2, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial flexibility, and said one of said plural portions is provided with said hooking element.

14. A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and second members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one article-guiding side wall upstanding from said track base of said each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending upwardly above an upper edge of said one side wall of said second member, said one side wall of said second member having a cutout opening to said upper edge thereof and to opposite side surfaces thereof;

said second member comprising a tongue extending longitudinally from said track base of said second member, said tongue defining an end of said second member, said first member having an end-opening socket for receiving said tongue so that said track bases of said first and second members are interconnected, said tongue being formed on said track base of said second member such that an upper surface of said tongue is disposed below an upper surface of said track base of

said second member to allow said upper surface of said track base of said second member and an upper surface of said track base of said first member to form a continuous floor for slidably supporting said articles, wherein said track base of said first member comprises upper and lower opposed walls, and said socket is defined between said upper and lower walls; and

locking means integrally formed with said first member for interconnecting said one side wall of said first member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one side wall of said second member with said flexible overhang flexing to either side of said one side wall of said second member, and a lug with tabs formed integrally with and extending from said overhang and received in said cutout, whereby longitudinal displacement of said one side wall of said first member relative to said one side wall of said second member is prevented.

15. The track device according to claim 14, wherein said tongue is provided with a hooking element projecting therefrom, and said track base of said first member has a strip portion having a front and rear opposed faces, said front face providing an edge for engaging said hooking element to prevent longitudinal displacement of said first member with respect to said second member, said rear face sloping to facilitate insertion of said tongue into said socket.

16. A merchandising track device for displaying articles, said track device comprising:

an elongate body having a forward end, said body comprising a track base for carrying a row of articles for sliding movement along said body, a tongue extending forwardly from said track base and defining said forward end of said body, and at least one article-guiding side wall upstanding from said track base and extending along said body; and

a front piece formed as a discrete structure separate from said body and attached to said forward end of said body to provide a stopper for preventing a leading article in said row from exiting said track device, said front piece comprising a deck for supporting said leading article, said deck having a socket for receiving said tongue so that said deck and said track base are interconnected, said tongue being formed on said track base such that an upper surface of said tongue is disposed below an upper surface of said track base to allow said upper surface of said track base and an upper surface of said deck to form a continuous floor for slidably supporting said articles, at least one upright wall upstanding from said deck and disposed in general longitudinal alignment with said one side wall, said one upright wall including a portion extending upwardly above an upper edge of said one sidewall; and locking means integrally formed with said front piece for interconnecting said one upright wall with said one side wall to lock said front piece in position relative to said body, said locking means including a flexible overhang extending rearward from said portion of said one upright wall and disposed over said upper edge of said one side wall having said cutout, said flexible overhang flexing to either side of said one side wall of said second member; and

a pair of engaging tabs disposed respectively alongside opposite side surfaces of said one side wall in a cutout

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with at least one of said engaging tabs being integrally formed with said overhang so that lateral displacement of said one upright wall relative to said one side wall is prevented.

17. The track device according to claim 16, wherein said tongue is provided with a hooking element projecting therefrom, and said deck has a strip portion having front and

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rear opposed faces, said front face providing an edge for engaging said hooking element to prevent forward displacement of said front piece with respect to said body, said rear face sloping to facilitate insertion of said tongue into said socket.

* * * * *

Claim 20 (new): A front panel, as set forth in claim 19, wherein said first and second face members are connected to said base.

Claim 21 (new): A front panel assembly for a merchandising display track device, said track device having a track base adapted to receive a row of articles for sliding movement therealong, said front panel assembly,
5 comprising:

 a floor deck adapted to receive said row of articles for sliding movement therealong;

 a first upstanding vertical member having a top end, a bottom end portion and a front edge, said first vertical
10 member being connected along its bottom end portion to said floor deck;

 a second upstanding vertical member having a top end, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first
15 vertical member and connected along its bottom end portion to said floor deck;

 an elongate connecting member having a first end connected to said top end of said first vertical member and a second end portion connected to said top end of said
20 second vertical member, said connecting member curving outwardly away from said vertical members; and

 means for detachably attaching said floor deck to said track base.

Claim 22 (new): A front panel assembly for a merchandising display track device, said track device being adapted to receive rows of articles for sliding movement therealong, said front panel assembly, comprising:

5 a base;

 a first upstanding vertical member having a top end portion, a bottom end portion and a front edge, said first

vertical member being connected along its bottom end portion to said base;

10 a second upstanding vertical member having a top end portion, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and connected along its bottom end portion to said base;

15 a third upstanding vertical member having a top end portion, a bottom end portion and a front edge, said third vertical member being laterally spaced from said second vertical member and connected along its bottom end portion to said base, said second vertical member being

20 intermediate said first and third vertical members;

 a first elongate connecting member having a first end connected to said top end portion of said first vertical member and a second end portion connected to said top end portion of said second vertical member, said first
25 connecting member curving outward away from said first and second vertical members;

 a second elongate connecting member having a first end connected to said top end portion of said second vertical member and a second end portion connected to said
30 top end portion of said third vertical member, said second connecting member curving outward away from said second and third vertical members; and

 means for detachably attaching said front panel assembly to said track device.

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 Claim 23 (new): A front panel, as set forth in claim 22, including:

 a first face member having a top end portion and a bottom end portion and being connected to said front edge
5 of said first vertical member, said first face member extending laterally a preselected distance from said first vertical member toward said second vertical member;

10 a second face member having a top end portion and a
bottom end portion and being connected to said front edge
of said second vertical member, said second face member
extending laterally a preselected distance from said second
vertical member toward said first vertical member and
extending laterally a preselected distance from said second
vertical member toward said third vertical member; and
15 a third face member having a top end portion and a
bottom end portion and being connected to said front edge
of said third vertical member, said third face member
extending laterally a preselected distance from said third
vertical member toward said second vertical member.

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Claim 24 (new): A front panel, as set forth
in claim 26, wherein said first, second and third face
members are connected to said base.

REMARKS

Reconsideration of the original claims and consideration of the new claims are respectfully requested. Original claims 1-17 claims have not been altered. New claims 18-24 are presented for the first time. Claims 1, 2, 14, 16, 18, 21 and 22 are the only independent claims in the application.

The art newly cited with this application is not believed to be relevant to original claims 1-17. Claims 1-13 require locking means and engaging tabs which are absent from the newly cited art. Claims 14-15 require locking means and a lug with tabs which are absent from the newly cited art. Claims 16-17 require locking means and engaging tabs which are absent from the newly cited art.

New claims 18-20 are directed to a front panel assembly for a merchandising display track device. The track is adapted to receive a row of articles for sliding movement therealong. The front panel assembly includes a base with first and second vertical members upstanding therefrom. An elongate connecting member has one end connected to the top end portion of the first vertical member and has its other end connected to the top end portion of the second vertical member. The connecting member curves outwardly away from the vertical members. Means are provided for detachably attaching the first and second vertical members to the track device.

New claims 22-24 are similar to claims 18-20 but the front panel assembly has three vertical members and two elongate connecting members for two rows of articles. Means are provided for detachably attaching the front panel assembly to the track device.

New claim 21 recites a track base and a floor deck instead of a base. Means are provided for detachably attaching the floor deck to the track base.

Support for the new claims exists in drawings, particularly Figures 1-3, 6-10 and 14, and throughout the specification, particularly the following:

<u>Column</u>	<u>Lines</u>
4	45-47, 64-67
5	1-2, 8-25, 57-67
6	14-33, 61-67
7	1-20

U.S. Patent No. 6,189,734 B1 which issued 02/02/01 Apps et al. discloses a gravity feed dispensing device with a basket 60. The track device holds bottles by the neck and the basket 60 hangs downwardly from the track. This differs from the present invention which requires that the articles slide along the track and front piece and that the vertical members of the front piece extend upwardly.

U.S. Patent No. 6,142,316 which issued 11/07/00 to Harbour et al. discloses a track device with upstanding guide members or sidewalls 18 attached to a floor 26. An arcuate front wall member 22 connects the top portions of the sidewalls. According to column 9 lines 9-15, the guide members or sidewalls 18 are preferably integrally formed with the module 16 although other suitable means may be used to attach the guide members 18 to both the floor 26 as well as to upright posts or reinforcing members 28. Harbour et al. are silent on the other suitable means, but sonic welding techniques are well known, as well as permanent adhesives, which yield a one-piece unit. Harbour et al. teach away from the present invention which is directed to a multiple-piece track device with a detachable front piece.

U.S. Patent No. 5,971,204 which issued 10/26/99 to Apps discloses a bottle dispenser with a basket 16 for displaying bottles. The basket 16 has opposing flanges 38

for engagement along the peripheral edge 40 of the second aperture 34 of the housing 12. Apps lacks an elongate connecting member as required by the claims.

U.S. Patent No. 5,862,923 which issued 01/26/99 to Nordquist et al. discloses a shelf device with a bracket 56 to stop forward motion of products 58, 60. Nordquist et al. lack an elongate connecting member as required by the claims.

U.S. Patent No. 5,788,091 which issued 08/04/98 to Robertson et al. discloses a gravity feed dispensing device that holds bottles by the neck. This differs from the present invention which requires that the articles slide along the track and that the vertical members of the front piece extend upwardly.

U.S. Patent No. 5,685,664 which issued 11/11/97 to Parham et al. discloses a gravity feed dispensing device that holds bottles by the neck. This differs from the present invention which requires that the articles slide along the track and that the vertical members of the front piece extend upwardly.

U.S. Patent No. 5,645,176 which issued 07/08/97 to Jay discloses an elongate channel of an integral, one-piece unitary construction formed in a single plastic molding operation. Jay teaches away from the present invention which is directed to a multiple-piece tack device.

U.S. Patent No. 4,205,763 which issued 06/03/80 to Merl discloses a dispenser 10 having a storage compartment 14 and a dispenser portion 20. The dispenser portion 20 has a horizontal platform 22 upon which containers drop and rest. The dispenser portion 20 is bordered at its forward end by an integrally formed guard rail 24 for guiding the containers as they drop on platform 22 and for holding the containers in the vertical presentment position prior to their being removed from the platform 22. The containers

roll toward the presentment position. Merl thus teaches away from sliding containers.

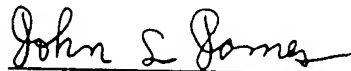
U.S. Patent No. 2,218,444 which issued 10/15/40 to Vineyard discloses a guard rail 11. Vineyard does not disclose how the guard rail 11 is attached but it is attached to the outside of the other structure. To be functional to stop forward motion of the bottles, the guard rail must be rigid. Rigid connection means welding since no other fasteners are present. The guard rail thus must be permanently connected instead of detachably attached as with the present invention.

U.S. Patent No. Des. 401,436 which issued 11/24/98 to discloses an elongate channel of one-piece construction and appears to be the same device described in U.S. Patent No. 5,645,176 which issued 07/08/97 to Jay.

U.S. Patent Pub. No. 2001/0020606 which published 09/13/01 to Battaglia et al discloses a track device with a front member 40 that pivots. The claims require first and second upstanding vertical members and an elongate connecting member connected to the top end portions of the vertical members. Battaglia et al do not disclose an elongate connecting member.

It is believed that the claims in the application are allowable over the prior art and that the application is in condition for immediate reissue.

Respectfully submitted,



John L. James
Attorney for Applicant(s)
Registration No. 28,724

Atty Docket No. D-2958RE
Preliminary Amendment
Telephone: 770-792-0360
Facsimile: 770-792-0360

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue
Application of U.S. Patent
No.: 6,325,221 B2 of
Inventor:

Dennis E. Parham

Serial No.: Unassigned

Filed : Herewith

Title: Merchandising
Display Track Device Of
Multiple-Piece Construction

Group Art Unit: 3634

Examiner: Tran, Khoa

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Name: John L. James
Registration No. 28,724
Date: November 10, 2003

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

DISCLOSURE STATEMENT UNDER 37 CFR 1.97-1.99

Applicant respectfully requests that the following
references be considered in the reexamination of the
above-identified application.

U.S. Patent No. 6,189,734 B1, issued 02/02/01, Apps et al.
U.S. Patent No. 6,142,316, issued 11/07/00, Harbour et al.
U.S. Patent No. 5,971,204, issued 10/26/99, Apps.
U.S. Patent No. 5,862,923, issued 01/26/99, Nordquist et al.

U.S. Patent No. 5,788,091, issued 08/04/98, Robertson et al.
U.S. Patent No. 5,685,664, issued 11/11/97, Parham et al.
U.S. Patent No. 5,645,176, issued 07/08/97, Jay.
U.S. Patent No. 5,634,564, issued 06/03/97, Spamer et al.
U.S. Patent No. 5,595,310, issued 01/21/97, Spamer et al.
U.S. Patent No. 5,562,217, issued 10/08/96, Salveson et al.
U.S. Patent No. 5,542,552, issued 08/06/96, Yablans et al.
U.S. Patent No. 5,531,336, issued 02/02/96, Parham et al.
U.S. Patent No. 5,458,248, issued 10/17/95, Alain.
U.S. Patent No. 5,351,838, issued 10/04/94, Flum.
U.S. Patent No. 5,314,081, issued 05/24/94, Carroll.
U.S. Patent No. 5,240,126, issued 08/31/93, Foster et al.
U.S. Patent No. 5,203,463, issued 04/20/93, Gold.
U.S. Patent No. 5,160,051, issued 11/03/91, Bustos.
U.S. Patent No. 5,050,748, issued 09/24/91, Taub.
U.S. Patent No. 5,024,336, issued 06/18/91, Spamer.
U.S. Patent No. 4,997,094, issued 03/05/91, Spamer et al.
U.S. Patent No. 4,958,739, issued 09/25/90, Spamer.
U.S. Patent No. 4,836,390, issued 06/06/89, Polvere.
U.S. Patent No. 4,785,945, issued 11/22/88, Rowse et al.
U.S. Patent No. 4,762,236, issued 08/09/88, Jackle III et al.
U.S. Patent No. 4,730,741, issued 03/15/88, Jackle III et al.
U.S. Patent No. 4,724,968, issued 02/16/88, Wombacher.
U.S. Patent No. 4,685,574, issued 08/11/87, Young et al.
U.S. Patent No. 4,630,739, issued 12/23/86, Levenberg.
U.S. Patent No. 4,478,337, issued 10/23/84, Flum.
U.S. Patent No. 4,205,763, issued 06/03/80, Merl.
U.S. Patent No. 2,218,444, issued 10/15/40, Vineyard.
U.S. Patent No. Des. 401,436, issued 11/24/98, Jay.
U.S. Patent Pub. No. 2001/0020606, published 09/13/01, Battaglia et al.

REMARKS

For the Examiner's convenience, the applicant has attached a completed FORM PTO/SB/08A hereto.

Under rule 37 C.F.R. § 1.98(a), the applicant submits that no specific comments are necessary for any of the above cited English language publications; however, applicant makes the following comments: The old art cited in the original patent is not believed to be pertinent to the new claims. The new art cited herein is relevant to the new claims but is not believed to be relevant to the original claims. The parts believed to be most relevant are set forth below:

REFERENCE	DRAWINGS FIGURES	SPECIFICATION
Apps 6,189,734 B1	1-4, 6-7, 10	col 5 lines 1-35
Harbour 6,142,316	all	col 8 line 52 to col 9 line 18
Apps 5,971,204	1-3	col 3 lines 39-52
Nordquist 5,862,923	5, 9, 19	
Robertson 5,788,091	8	
Parham 5,685,664	1	
Jay 5,645,176	1-6	col 5 line 31 to col 6 line 5
Merl 4,205,763	1	col 3 lines 19-23 and 42-55
Vineyard 2,218,444	1-2	col 2 lines 23-25
Jay Des. 401,436	4A, 5A, 6A, 7A	
Battaglia; Pub. No. 2001/0020606 A1	5	Para [0051]

Respectfully submitted,

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of 2

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Dennis E. Parham
Art Unit	3634
Examiner Name	Khoa Tran
Attorney Docket Number	D-2958RE

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 6,189,734 B1	02-20-2001	Apps et al.	
		US- 6,142,316	11-07-2000	Harbour et al.	
		US- 5,971,204	10-26-1999	Apps	
		US- 5,862,923	01-26-1999	Nordquist et al.	
		US- 5,788,091	08-04-1998	Robertson et al.	
		US- 5,685,664	11-11-1997	Parham et al.	
		US- 5,645,176	07-08-1997	Jay	
		US- 5,634,564	06-03-1997	Spamer et al.	
		US- 5,595,310	01-21-1997	Spamer et al.	
		US- 5,562,217	10-08-1996	Salveson et al.	
		US- 5,542,552	08-06-1996	Yablans et al.	
		US- 5,531,336	07-02-1996	Parham et al.	
		US- 5,458,248	10-17-1995	Alain	
		US- 5,351,838	10-04-1994	Flum	
		US- 5,314,081	05-24-1994	Carroll	
		US- 5,240,126	08-31-1993	Foster et al.	
		US- 5,203,463	04-20-1993	Gold	
		US- 5,160,051	11-03-1992	Bustos	
		US- 5,050,748	09-24-1991	Taub	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code ³ * Number * Kind Code ⁴ (if known)			

Examiner
SignatureDate
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application Number	
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First Named Inventor	Dennis E. Parham
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Examiner Name	Khoa Tran
Attorney Docket Number	D-2958RE

Sheet **2** of **2****U. S. PATENT DOCUMENTS**

Examiner Initials [*]	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,024,336	06-18-1991	Spamer	
		US- 4,997,094	03-05-1991	Spamer et al.	
		US- 4,958,739	09-25-1990	Spamer	
		US- 4,836,390	06-06-1989	Polvere	
		US- 4,785,945	11-22-1988	Rowse et al.	
		US- 4,762,236	08-09-1988	Jackle III et al	
		US- 4,730,741	03-15-1988	Jackle III et al.	
		US- 4,724,968	02-16-1988	Wombacher	
		US- 4,685,574	08-11-1987	Young et al.	
		US- 4,630,739	12-23-1986	Levenberg	
		US- 4,478,337	10-23-1984	Flum	
		US- 4,205,763	06-03-1980	Merl	
		US- 2,218,444	10-15-1940	Vineyard	
		US- Des. 401,436	11-24-1998	Jay	
		US- 2001/0020606 A1	09-13-2001	Battaglia et al.	
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials [*]	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁴
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

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CLAIM AMENDMENTS

Claim 1 (Original). A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and second
5 members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one article-guiding side wall upstanding from said track base of said
10 each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending upwardly above an upper edge of said one side wall of said second
15 member, said one side wall of said second member having a cutout opening to said upper edge thereof and to opposite side surfaces thereof;

locking means integrally formed with said first member for interconnecting said one side wall of said first
20 member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one
25 side wall of said second member, said flexible overhang engages side of said one side wall of said second member with a lug formed integrally with said overhang and received in said cutout, whereby longitudinal displacement of said one side wall of said first member relative to said one side
30 wall of said second member is prevented; and

a pair of engaging tabs provided disposed respectively alongside said opposite side surfaces of said one side wall of said second member with at least one of said engaging tabs formed on said lug so that lateral
35 displacement of said one side wall of said first member relative to said one side wall of said second member is prevented.

Claim 2 (Original). A merchandising track device for displaying articles, said track device comprising:

an elongate body having a forward end, said body comprising a track base for carrying a row of articles for
5 sliding movement along said body, a tongue extending forwardly from said track base and defining said forward end of said body, and at least one article-guiding side wall upstanding from said track base and extending along said body;
10 a front piece formed as a discrete structure separate from said body and attached to said forward end of said body to provide a stopper for preventing a leading article in said row from exiting said track device, said front piece comprising a deck for supporting said leading
15 article, at least one upright wall upstanding from said deck and disposed in general longitudinal alignment with said one side wall, said one upright wall including a portion extending upwardly above an upper edge of said one sidewall; and locking means for interconnecting said one upright wall
20 and said one side wall to lock said front piece in position relative to said body, said locking means including a flexible overhang integrally formed with said front piece and extending rearward from said portion of said one upright wall and disposed over said upper edge of said one side wall

25 with said flexible overhang flexing to either side of said
one side wall of said second member; and
a pair of engaging tabs disposed respectively
alongside opposite side surfaces of said one side wall, at
least one of said engaging tabs being integrally formed with
30 said overhang, whereby lateral displacement of said one
upright wall relative to said one side wall is prevented,
and wherein one sidewall has a cutout opening to said upper
edge and said opposite side surface thereof, and at least
one engaging tab is formed on a lug to engage in said
35 cutout.

Claim 3 (Original). The track device according to
claim 2, wherein said lug has a thickness greater than a
thickness of said one side wall, and both said engaging tabs
are formed on said lug.

5

Claim 4 (Original). The track device according to
claim 2, wherein said tongue is provided with a hooking
element projecting therefrom, and said deck has a strip
portion having a front and rear opposed faces, said front
5 face providing an edge for engaging said hooking element to
prevent forward displacement of said front piece with
respect to said body, said rear face sloping to facilitate
insertion of said tongue into said socket.

Claim 5 (Original). The track device according to
claim 4, wherein said engaging edge of said deck extends
transversely of said body.

Claim 6 (Original). The track device according to
claim 5, wherein said strip portion is provided by said
lower wall and extends transversely of said body, said rear

face of said strip portion sloping downwardly and
5 rearwardly, said hooking element projecting downwardly from
a lower surface of said tongue.

Claim 7 (Original). The track device according to
claim 4, wherein said tongue is formed with at least one
notch for dividing said tongue into plural portions so that
one of said plural portions exhibits substantial
5 flexibility, and said one of said plural portions is
provided with said hooking element.

Claim 8 (Original). The track device according to
claim 2, wherein said engaging tabs are disposed with a
lateral gap therebetween to receive in said gap an edge of
said one sidewall.

5 Claim 9 (Original). The track device according to
claim 8, wherein said engaging tabs are opposed to each
other across a thickness of said one side wall.

Claim 10 (Original). The track device according to
claim 8, wherein said engaging tabs are disposed at
positions offset from each other along a length of said one
side wall.

5 Claim 11 (Original). The track device according to
claim 2, wherein said body and said front piece are formed
from different material.

Claim 12 (Original). The track device according to
claim 11, wherein said body is molded of polystyrene, and
said front piece is molded of polycarbonate.

Claim 13 (Original). The track device according to claim 2, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial
5 flexibility, and said one of said plural portions is provided with said hooking element.

Claim 14 (Original). A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and second
5 members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one article-guiding side wall upstanding from said track base of said
10 each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending upwardly above an upper edge of said one side wall of said second
15 member, said one side wall of said second member having a cutout opening to said upper edge thereof and to opposite side surfaces thereof;

said second member comprising a tongue extending longitudinally from said track base of said second member,
20 said tongue defining an end of said second member, said first member having an end-opening socket for receiving said tongue so that said track bases of said first and second members are interconnected, said tongue being formed on said track base of said second member such that an upper surface
25 of said tongue is disposed below an upper surface of said track base of said second member to allow said upper surface

of said track base of said second member and an upper surface of said track base of said first member to form a continuous floor for slidably supporting said articles,
30 wherein said track base of said first member comprises upper and lower opposed walls, and said socket is defined between said upper and lower walls; and

locking means integrally formed with said first member for interconnecting said one side wall of said first
35 member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one
40 side wall of said second member with said flexible overhang flexing to either side of said one side wall of said second member, and a lug with tabs formed integrally with and extending from said overhang and received in said cutout, whereby longitudinal displacement of said one side wall of
45 said first member relative to said one side wall of said second member is prevented.

Claim 15 (Original). The track device according to claim 14, wherein said tongue is provided with a hooking element projecting therefrom, and said track base of said first member has a strip portion having a front and rear
5 opposed faces, said front face providing an edge for engaging said hooking element to prevent longitudinal displacement of said first member with respect to said second member, said rear face sloping to facilitate insertion of said tongue into said socket.

10 Claim 16 (Original). A merchandising track device for displaying articles, said track device comprising:

an elongate body having a forward end, said body comprising a track base for carrying a row of articles for sliding movement along said body, a tongue extending forwardly from said track base and defining said forward end of said body, and at least one article-guiding side wall upstanding from said track base and extending along said body; and

a front piece formed as a discrete structure separate from said body and attached to said forward end of said body to provide a stopper for preventing a leading article in said row from exiting said track device, said front piece comprising a deck for supporting said leading article, said deck having a socket for receiving said tongue so that said deck and said track base are interconnected, said tongue being formed on said track base such that an upper surface of said tongue is disposed below an upper surface of said track base to allow said upper surface of said track base and an upper surface of said deck to form a continuous floor for slidably supporting said articles, at least one upright wall upstanding from said deck and disposed in general longitudinal alignment with said one side wall, said one upright wall including a portion extending upwardly above an upper edge of said one sidewall; and locking means integrally formed with said front piece for interconnecting said one upright wall with said one side wall to lock said front piece in position relative to said body, said locking means including a flexible overhang extending rearward from said portion of said one upright wall and disposed over said upper edge of said one side wall having said cutout, said flexible overhang flexing to either side of said one side wall of said second member; and

a pair of engaging tabs disposed respectively alongside opposite side surfaces of said one side wall in a

cutout with at least one of said engaging tabs being integrally formed with said overhang so that lateral displacement of said one upright wall relative to said one side wall is prevented.

40

Claim 17 (Original). The track device according to claim 16, wherein said tongue is provided with a hooking element projecting therefrom, and said deck has a strip portion having front and rear opposed faces, said front face providing an edge for engaging said hooking element to prevent forward displacement of said front piece with respect to said body, said rear face sloping to facilitate insertion of said tongue into said socket.

10

Claim 25 (New). A front panel assembly for a merchandising display track device, said track device being adapted to receive a row of articles for sliding movement therealong, said front panel assembly, comprising:

5 a base adapted to receive said row of articles from said track device for sliding movement therealong;

a first upstanding vertical member having a top end portion, a bottom end portion and a front edge, said first vertical member being permanently connected along its bottom end portion to said base;

10

a first face member connected to said front edge of said first vertical member, said first face member extending laterally a preselected distance from said first vertical member toward said second vertical member;

15

a second upstanding vertical member having a top end portion, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first

vertical member and permanently connected along its bottom end portion to said base;

20 a second face member connected to said front edge of said second vertical member, said second face member extending laterally a preselected distance from said second vertical member toward said first vertical member;

25 an elongate connecting member having a first end connected to said top end portion of said first vertical member and a second end portion connected to said top end portion of said second vertical member, said connecting member curving outwardly away from said vertical members; and

30 means for detachably attaching said front panel assembly to said track device.

Claim 26 (New). A front panel, as set forth in claim 18, wherein said first and second face members are connected to said base.

Claim 27 (New). A front panel assembly for a merchandising display track device, said track device having a track base adapted to receive a row of articles for sliding movement therealong and a vertical member extending
5 along said track base, said vertical member having a cutout opening to an upper edge thereof and to opposite side surfaces thereof, said front panel assembly, comprising:

 a floor deck adapted to receive said row of articles from said track base for sliding movement therealong;

10 means for detachably attaching said floor deck to said track base;

 a first upstanding vertical member having a top end, a bottom end portion and a front edge, said first vertical

member being permanently connected along its bottom end
15 portion to said floor deck;

a second upstanding vertical member having a top
end, a bottom end portion and a front edge, said second
vertical member being laterally spaced from said first
vertical member and permanently connected along its bottom
20 end portion to said floor deck;

an elongate connecting member having a first end
connected to said top end of said first vertical member and
a second end portion connected to said top end of said
second vertical member, said connecting member curving
25 outwardly away from said vertical members;

locking means integrally formed with one of said
first and second vertical members for interconnecting said
vertical member of said track device and said one vertical
member to lock said vertical members in position relative to
30 each other, said locking means comprising a flexible
overhang extending rearward from said one vertical member
and adapted to be disposed over said cutout so that said
flexible overhang engages a side of said vertical member of
said track device with a lug formed integrally with said
35 flexible overhang and received in said cutout thereby
preventing longitudinal displacement of said front panel
assembly relative to said track; and

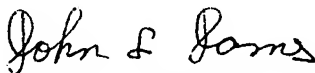
a pair of engaging tabs provided disposed
respectively alongside said opposite side surfaces of said
40 vertical member of said track device with at least one of
said engaging tabs formed on said lug so that lateral
displacement of said one vertical member relative to said
vertical member of said track device is prevented.

REMARKS

This amendment merges claims 18, 20 and 21 of divisional reissue application Serial No. 11/096,233 into the above-identified application as new claims 25, 26 and 27, respectively. New claims 25, 26 and 27 are word for word exactly the same as claims 18, 20 and 21 which were allowed in the divisional reissue application.

Respectfully submitted,

Atty Docket No. D-2958RE
Serial No.: 10/705,666
Telephone: 770-792-0360
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John L. James
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Registration No. 28,724



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/096,233	03/31/2005	Dennis E. Parham	D-2958RE-D1	2330

7590 02/09/2006

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Marietta, GA 30061

EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT	PAPER NUMBER
----------	--------------

3634

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

11/096,233

Applicant(s)

PARHAM, DENNIS E.

Examiner

Jennifer E. Novosad

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18, 20, and 21 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3634

DETAILED ACTION

This application is in condition for allowance except for the following formal matters:

Pursuant to 37 CFR 1.177, since claims 18, 20, and 21 of the instant application have been allowed, applicant is required to merge the two sets of allowable claims, i.e., the original claims 1-17 of Reissue Application No. 10/705,666 and claims 18, 20, and 21 of this application, into a single application.

It is noted that if applicant fails to respond to this requirement, or otherwise refuses to comply, the added and examined claims (of this divisional application) will be passed to issue alone and prosecution will be reopened in the suspended reissue application (10/705,666) and a rejection based on lack of reissuable error under 35 U.S.C. 25 will be made therein.

It is also noted that since withdrawn claims 22-24 (of the instant application) have been filed in another divisional reissue application, i.e., 11/096,232, it is suggested that these claims be deleted herein.

Oath/Declaration

The supplemental declaration filed January 13, 2006 is accepted.

Allowable Subject Matter

Claims 18, 20, and 21 are allowed.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,666	11/10/2003	Dennis E. Parham	D2958RE	5356
26829	7590	01/13/2006	EXAMINER	
JOHN L. JAMES P.O. BOX 2025 MARIETTA, GA 30061-2025			NOVOSAD, JENNIFER ELEANORE	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3634

Letter of Suspension

At the outset, it is noted that on June 10, 2005, prosecution in this application, i.e., 10/705,666, was suspended for a period of six (6) months, per the reasons set forth below. That period for suspension has now expired.

Since neither of the divisional reissue applications, i.e., 11/096,232 and 11/096,233, claiming priority to this application, i.e., 10/705,666, have been deemed allowable, further examination of this (first) reissue application, i.e., 10/705,666, has been suspended for another period of SIX (6) months.

As previously stated, since this reissue application, i.e., 10/705,666, contains only original unamended claims, i.e., claim 1-17, and since the Office will not grant a reissue patent which does not correct any error in the original patent, further examination of this (first) reissue application, i.e., 10/705,666, has been suspended for another period of SIX (6) months. It is noted that the divisional reissue applications will continue to be examined in the normal way and will not be suspended.

Once a divisional reissue application, i.e., 11/096,232 and/or 11/096,233, containing the added claims is examined and becomes allowable, the examiner will issue a requirement under 37 CFR 1.177(c) for applicant to merge the claims of the suspended first reissue application, i.e., 10/705,666, with the allowable claims of the divisional reissue application into a single application, by placing all of the claims in one of the applications and expressly abandoning the other.

Art Unit: 3634


If the divisional reissue application becomes abandoned, prosecution will be reopened in the suspended first reissue application, i.e., 10/705,666, and a rejection based on a lack of error under 35 U.S.C. 251 will then be made in the first reissue application, i.e., 10/705,666. Since no error in the original patent is being corrected in the first reissue application, no reissue patent will issue.

As with all suspensions, it is applicant's responsibility to call to the attention of the Office and the examiner that the suspension period is drawing to an end.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

January 9, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,666	11/10/2003	Dennis E. Parham	D2958RE	5356
26829	7590	06/15/2005		
JOHN L. JAMES P.O. BOX 2025 MARIETTA, GA 30061-2025			EXAMINER NOVOSAD, JENNIFER ELEANORE	
			ART UNIT 3634	PAPER NUMBER

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Letter of Suspension

This letter addresses the response filed April 22, 2005 by which applicant stated that divisional reissue applications 11/096,232 and 11/096,233 were filed.

Since this reissue application, i.e., 10/705,666, contains only original unamended claims, i.e., claim 1-17, and since the Office will not grant a reissue patent which does not correct any error in the original patent, further examination of this (first) reissue application, i.e., 10/705,666, has been suspended for a period of SIX (6) months. It is noted that the divisional reissue applications will continue to be examined in the normal way and will not be suspended.

Once a divisional reissue application, i.e., 11/096,232 and/or 11/096,233, containing the added claims is examined and becomes allowable, the examiner will issue a requirement under 37 CFR 1.177(c) for applicant to merge the claims of the suspended first reissue application, i.e., 10/705,666, with the allowable claims of the divisional reissue application into a single application, by placing all of the claims in one of the applications and expressly abandoning the other.

If the divisional reissue application becomes abandoned, prosecution will be reopened in the suspended first reissue application, i.e., 10/705,666, and a rejection based on a lack of error under 35 U.S.C. 251 will then be made in the first reissue application, i.e., 10/705,666. Since no error in the original patent is being corrected in the first reissue application, no reissue patent will issue.

As with all suspensions, it is applicant's responsibility to call to the attention of the Office and the examiner that the suspension period is drawing to an end.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Inventor(s):

Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Group Art Unit: 3634

Examiner: Novasad, J. E.

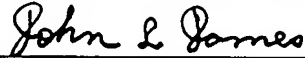
I hereby certify that this correspondence is
being deposited today with the United States
as first class mail in an envelope addressed
to: :

MAIL STOP Reissue

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450



Name: John L. James

Registration No. 28,724

Date: April 19, 2005

Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE

In response to the Office Action, Paper No./Mail date 20050201, Applicant confirms the constructive election of the invention of Group I (claims 1-17).

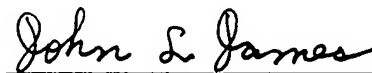
Claims 18-24 drawn to the inventions of Groups II and III are hereby cancelled.

Divisional reissue application Serial No. 11/096,233 was filed on March 31, 2005 for the invention of Group II (Claims 18-21).

Divisional reissue application Serial No. 11/096,232 was filed on March 31, 2005 for the invention of Group III (Claims 22-24).

Respectfully submitted,

Atty Docket No. D-2958RE
Serial No.: 10/705,666
Telephone: 770-792-0360
Facsimile: 770-792-2127



John L. James

Attorney for Applicant(s)

Registration No. 28,724



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,666	11/10/2003	Dennis E. Parham	D2958RE	5356
26829	7590	02/07/2005	EXAMINER	
JOHN L. JAMES P.O. BOX 2025 MARIETTA, GA 30061-2025			NOVOSAD, JENNIFER ELEANORE	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,666

Applicant(s)

PARHAM, DENNIS E.

Examiner

Jennifer E. Novosad

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003 and 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 18-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-24 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Applicant's election, filed January 3, 2005, in reply to the restriction requirement, mailed December 3, 2004, is acknowledged.

However, upon further review of 37 CFR 1.176(b), MPEP 1450, and MPEP 806-806.05(i), the previous Office action, namely the restriction requirement mailed December 3, 2004, is hereby withdrawn for the following reasons.

In particular, as stated in 37 CFR 1.176(b), the examiner is not permitted to require restriction among original claims of the patent (i.e., among claims that were in the patent prior to filing the reissue application). *However*, restriction between multiple inventions recited in the newly added claims will be permitted provided the added claims are drawn to several separate and distinct inventions. In such a situation, the original patent claims would be examined in the first reissue application, and applicant is permitted to file a divisional reissue application for each of the several separate and distinct inventions identified in the examiner's restriction requirement.

Accordingly, claims 1-24 have been further reviewed and a new restriction requirement follows.

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-17, drawn to a merchandising track device, classified in class 211, subclass 59.2.
- II. Claims 18-20 and 21, drawn to a front panel assembly, classified in class 211, subclass 74.
- III. Claims 22-24, drawn to a front panel assembly, classified in class 211, subclass 184.

Art Unit: 3634

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as use without tabs, as in invention i. See MPEP § 806.05(d).

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as use without tabs, as in invention I. See MPEP § 806.05(d).

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as use without a third upstanding vertical member, as in invention III. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Accordingly, since this restriction requirement is part of a re-issue application, the original patent claims 1-17 have been constructively elected. (See MPEP 1450)

Hence, newly added claims 18-24 have been constructively non-elected and thus have been withdrawn from consideration.

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Thus, it is suggested that applicant file a divisional reissue application directed to one of the constructively non-elected inventions (of Groups II or III). Then, *after* the divisional reissue application has been filed, the claims to the patented invention (the claims of Group I), which have been constructively elected in this reissue application, will be examined, and if found allowable without change from the patent, a rejection of the original patent claims will be made under 35 U.S.C 251 based on the fact that there is no "error" in the non-amended original patent claims, since the Office will not grant a reissue patent which does not correct any error in the original patent.

Conclusion

Since this reissue application contains only original unamended claims and since the Office will not grant a reissue patent which does not correct any error in the original patent, further examination of this reissue application has been suspended.

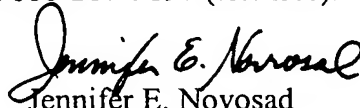
A shortened statutory period for reply to this action is set to expire THREE MONTHS from the mailing date of this action, for which time applicant may file a divisional reissue application drawn to one of the constructively non-elected inventions (of Groups II or III).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is (703)-305-2872. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703)-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

Jennifer E. Novosad/jen
February 4, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Inventor(s):

Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

Serial No.: 10/705,666

Confirmation No.: 5356

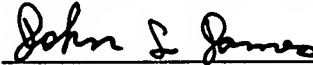
Filed: November 10, 2003

Group Art Unit: 3634

Examiner: Novasad, J. E.

I hereby certify that this correspondence is
being deposited today with the United States
as first class mail in an envelope addressed
to: :

MAIL STOP Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450



Name: John L. James
Registration No. 28,724
Date: December 30, 2004

Commissioner for Patents
Washington, D.C. 20231

Sir:

ELECTION

In response to the Office Action, Paper No./Mail date 20041122,
Applicant elects the invention of Group V (claims 18-21) with traverse.

Respectfully submitted,



John L. James
Attorney for Applicant(s)
Registration No. 28,724

Atty Docket No. D-2958RE
Serial No.: 10/705,666
Election
Telephone: 770-792-0360
Facsimile: 770-792-2127



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,666	11/10/2003	Dennis E. Parham	D2958RE	5356
26829	7590	12/03/2004	EXAMINER	
JOHN L. JAMES P.O. BOX 2025 MARIETTA, GA 30061-2025			NOVOSAD, JENNIFER ELEANORE	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,666

Applicant(s)

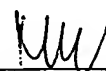
PARHAM, DENNIS E.

Examiner

Jennifer E. Novosad

Art Unit

3634



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
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- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-24 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1, drawn to a merchandising track device, classified in class 211, subclass 74.
- II. Claims 2-13, drawn to a merchandising track device, classified in class 211, subclass 59.2.
- III. Claims 14 and 15, drawn to a merchandising track device, classified in class 211, subclass 183.
- IV. Claims 16 and 17, drawn to a merchandising track device, classified in class 211, subclass 59.2.
- V. Claims 18-20 and 21, drawn to a front panel assembly, classified in class 211, subclass 74.
- VI. Claims 22-24, drawn to a front panel assembly, classified in class 211, subclass 184.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as use without a socket and tongue. See MPEP § 806.05(d).

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as use without a socket or a tongue. See MPEP § 806.05(d).

Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as use without a front piece. See MPEP § 806.05(d).

Inventions I and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such as use without tabs. See MPEP § 806.05(d).

Inventions I and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention VI has separate utility such as use without tabs. See MPEP § 806.05(d).

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as use without a front piece. See MPEP § 806.05(d).

Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be

Art Unit: 3634

separately usable. In the instant case, invention IV has separate utility such as use without a socket. See MPEP § 806.05(d).

Inventions II and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such as use without a front piece. See MPEP § 806.05(d).

Inventions II and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention VI has separate utility such as use without a front piece. See MPEP § 806.05(d).

Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as use without a front piece. See MPEP § 806.05(d).

Inventions III and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such as use without a tongue and socket. See MPEP § 806.05(d).

Inventions III and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention VI has separate utility such as use without a tongue and socket. See MPEP § 806.05(d).

Art Unit: 3634

Inventions VI and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such as use without a front piece. See MPEP § 806.05(d).

Inventions IV and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention VI has separate utility such as use without a front piece. See MPEP § 806.05(d).

Inventions V and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such as use with only one connecting member. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Groups II and IV is not required for Groups I, III, V, and VI, restriction for examination purposes as indicated is proper. *Also*, because these inventions are distinct for the reasons given above and the search required for Group V is not required for Group I, restriction for examination purposes as indicated is proper. *Further*, because these inventions are distinct for

Art Unit: 3634

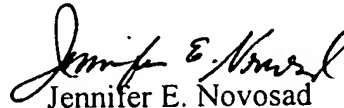
the reasons given above and the search required for Group VI is not required for Group V restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is (703)-305-2872. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703)-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

Jennifer E. Novosad/jen
November 22, 2004



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/705,666	11/10/2003	3634	550	D2958RE	9	24	7

26829
 JOHN L. JAMES
 P.O. BOX 2025
 MARIETTA, GA 30061-2025

CONFIRMATION NO. 5356

FILING RECEIPT



OC000000011543631

Date Mailed: 12/22/2003

Receipt is acknowledged of this reissue Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Dennis E. Parham, Kennesaw, GA;

Domestic Priority data as claimed by applicant

This application is a REI of 08/967,381 11/08/1997 PAT 6,325,221

Foreign Applications

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Merchandising display track device of multiple-piece construction

Preliminary Class

211

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Receipt of the following **reissue** patent application by Express Mail, label no., ER169144744US, Attorney Docket Number D2958RE, MERCHANDISING DISPLAY TRACK DEVICE OF MULTIPLE-PIECE CONSTRUCTION, is acknowledged by the US Patent and Trademark Office on the date affixed hereon.

Applicant(s): Dennis E. Parham

US Patent No. 6,325,221

Credit card authorization for \$594.00 to cover filing fees.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REISSUE PATENT APPLICATION TRANSMITTAL

Address to: Mail Stop Reissue Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	D2958RE
	First Named Inventor	Dennis E. Parham
	Original Patent Number	6,325,221
	Original Patent Issue Date (Month/Day/Year)	December 4, 2001
	Express Mail Label No.	ER169144744US

APPLICATION FOR REISSUE OF: (Check applicable box)	<input checked="" type="checkbox"/> Utility Patent	<input type="checkbox"/> Design Patent	<input type="checkbox"/> Plant Patent
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APPLICATION ELEMENTS (37 CFR 1.173)	ACCOMPANYING APPLICATION PARTS
1. <input checked="" type="checkbox"/> Fee Transmittal Form (PTO/SB/56) (Submit an original, and a duplicate for fee processing) 2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification and Claims in double column copy of patent format (amended, if appropriate) 4. <input checked="" type="checkbox"/> Drawing(s) (proposed amendments, if appropriate) 5. <input checked="" type="checkbox"/> Reissue Oath/Declaration (original or copy) (37 CFR 1.175) (PTO/SB/51 or 52) 6. <input checked="" type="checkbox"/> Power of Attorney 7. <input checked="" type="checkbox"/> Original U.S. Patent currently assigned? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, check applicable box(es)) <input checked="" type="checkbox"/> Written Consent of all Assignees (PTO/SB/53) <input checked="" type="checkbox"/> 37 CFR 3.73(b) Statement (PTO/SB/96) 8. <input type="checkbox"/> CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table 9. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all of the following are necessary) a. <input type="checkbox"/> Computer Readable Form (CFR) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM (2 copies) or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statements verifying identity of above copies	10. <input checked="" type="checkbox"/> Statement of status and support for all changes to the claims. See 37 CFR 1.173(c). 11. <input checked="" type="checkbox"/> Original Patent Grant <input checked="" type="checkbox"/> Ribbioned Original Patent Grant <input type="checkbox"/> Statement of Loss (PTO/SB/55) 12. <input type="checkbox"/> Foreign Priority Claim (35 U.S.C. 119) (if applicable) 13. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations 14. <input type="checkbox"/> English Translation of Reissue Oath/Declaration (if applicable) 15. <input checked="" type="checkbox"/> Preliminary Amendment 16. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 17. Other: Declarations regarding lack of inventor signature _____ _____

18. CORRESPONDENCE ADDRESS

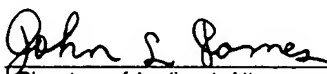
<input checked="" type="checkbox"/> Customer Number.	26829	OR	<input type="checkbox"/> Correspondence address below
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Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	John L. James	Registration No. (Attorney/Agent)	28,724
Signature	<i>John L. James</i>	Date	November 10, 2003

This collection of information is required by 37 CFR 1.173. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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REISSUE APPLICATION FEE TRANSMITTAL FORM						Docket Number (Optional) D2958RE		
Claims as Filed – Part 1								
	(1) Claims in Patent	(2) Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity		
				Rate	Fee			
Total Claims (37 CFR 1.16(j)) Independent claims (37 CFR 1.16(i))	(A) 17	(B) 17 0 =	x \$ 9 =	0	or	x \$ ____ =	
	(C) 4	(D) 4	. 1 =	x \$ 43 =	43		x \$ ____ =	
				Basic Fee (37 CFR 1.16(h))			\$ ____	
				Total Filing Fee			\$ 428.00	
Claims as Amended – Part 2								
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee		
Total Claims (37 CFR 1.16(j))	*** 24	MINUS	** 20	* = 4	x \$ 9 =	36	x \$ ____ =	
Independent Claims (37 CFR 1.16(i))	*** 7	MINUS	***** 4	= 3	x \$ 43 =	129	x \$ ____ =	
					Total Additional Fee			\$ 166.00
							OR	\$
<p>* If the entry in (D) is less than the entry in (C), Write "0" in column 3.</p> <p>** If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.</p> <p>*** After any cancellation of claims.</p> <p>**** If "A" is greater than 20, use (B – A); if "A" is 20 or less, use (B – 20).</p> <p>***** "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Please charge Deposit Account Number _____ in the amount of _____. A duplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account Number _____. A duplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> A check in the amount of \$ _____ to cover the filing/additional fee is enclosed.</p> <p><input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p style="text-align: center;">WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p>November 10, 2003 _____ Date</p> <p>28,724 _____ Registration Number, if applicable</p> </div> <div style="width: 45%; text-align: right;"> <p> _____ Signature of Applicant, Attorney or Agent of Record</p> <p>John L. James _____ Typed or printed name</p> </div> </div>								

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

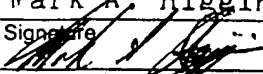
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

REISSUE APPLICATION DECLARATION BY THE ASSIGNEE		Docket Number (optional) D-2958RE	
I hereby declare that: The residence, mailing address and citizenship of the inventors are stated below. I am authorized to act on behalf of the following assignee: <u>Display Industries, LLC.</u> and the title of my position with said assignee is: <u>President</u> The entire title to the patent identified below is vested in said assignee.			
Inventor Dennis E. Parham		Citizenship US	
Residence/Mailing Address 2509 Hollins Drive, NW, Kennesaw, GA 30152			
Inventor		Citizenship	
Residence/Mailing Address			
<input type="checkbox"/> Additional Inventors are named on separately numbered sheets attached hereto.			
Patent Number 6,325,221		Date of Patent Issued December 4, 2001	
Title of Invention Merchandising Display Track Device Of Multiple-Piece Construction			
I believe said inventor(s) to be the original and first inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled: _____ the specification of which <input checked="" type="checkbox"/> is attached hereto. <input type="checkbox"/> was filed on _____ as reissue application number _____ / _____ and was amended on _____ (If applicable) I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56. <input type="checkbox"/> I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications. I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.) <input type="checkbox"/> by reason of a defective specification or drawing. <input checked="" type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent. <input type="checkbox"/> by reason of other errors.			

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

REISSUE APPLICATION DECLARATION BY THE ASSIGNEE		Docket Number (Optional) D-2958RE											
At least one error upon which reissue is based is described as follows: Applicant failed to claim subject matter disclosed in the original specification pertaining to the front piece of the track device.													
[Attach additional sheets, if needed.]													
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.													
I hereby appoint:													
<input type="checkbox"/> Practitioners at Customer Number:													
OR													
<input checked="" type="checkbox"/> Practitioner(s) named below:													
<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 50%;">Name</th><th style="width: 50%;">Registration Number</th></tr></thead><tbody><tr><td>John L. James</td><td>28,724</td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr></tbody></table>				Name	Registration Number	John L. James	28,724						
Name	Registration Number												
John L. James	28,724												
as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.													
Correspondence Address: Direct all communications about the application to:													
<input type="checkbox"/> Customer Number:													
OR													
<input checked="" type="checkbox"/> Firm or Individual Name		John L. James											
Address		P. O. Box 2025											
Address													
City		Marietta	State										
Country		US											
Telephone		770-792-0360	Fax										
		770-792-0360											
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.													
Full name of person signing (given name, family name) Mark A. Higgins													
Signature 		Date 11-5-03											
Address of Assignee 5850 Peachtree Industrial Boulevard, Norcross, GA 30071-1413													

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Dennis E. ParhamApplication No./Patent No.: 6,325,221 Filed/Issue Date: December 4, 2001Entitled Merchandising Track Device Of Multiple-Piece ConstructionDisplay Industries, LLC. a Limited Liability Company of Georgia
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

A. [] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Dennis E. Parham To: The Mead Corporation

The document was recorded in the United States Patent and Trademark Office at
Reel 009090, Frame 0616, or for which a copy thereof is attached.

2. From: The Mead Corporation To: Display Industries, LLC.

The document was recorded in the United States Patent and Trademark Office at
Reel 010996, Frame 0001, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

[] Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

11/5/03
Date

404-350-4801

Telephone number

Mark A. Higgins

Typed or printed name

[Signature]
Signature

President

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Inventor(s):

Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

US Patent No.: 6,325,221

Issued: December 4, 20017

Serial No.: 08/967,381

Filed: November 8, 1997

Group Art Unit: 3634

Examiner: Tran, Khoa.

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being deposited today with the United States
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MAIL STOP Reissue

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450



Name: John L. James

Registration No. 28,724

Date: November 10, 2003

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

AFFIDAVIT OF MARK A. HIGGINS

State of Georgia
County of Gwinnett

Mark A. Higgins, being duly sworn, and having
personal knowledge of the facts set forth herein, hereby
deposes and says that:

1. Prior to 1998 Mr. Dennis E. Parham and I were
employed by The Mead Corporation.

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In re Application of
Inventor(s):

Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

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Examiner: Tran, Khoa.

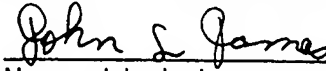
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First Named Inventor	Dennis E. Parham
Title	Merchandising Display Track
Art Unit	3634
Examiner Name	Khoa Tran
Attorney Docket Number	D-2958RE

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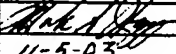
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SIGNATURE of Applicant or Assignee of Record

Name	Mark A. Higgins				
Signature					
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MERCHANDISING DISPLAY TRACK
DEVICE OF MULTIPLE-PIECE
CONSTRUCTION

ABSTRACT

A merchandising track device for displaying articles is disclosed. The device comprises first and second elongate track members formed separately as two discrete structures. The first and second members are connected together in an end-to-end, longitudinally adjacent relationship. Each member comprises a track base for carrying articles for sliding movement along the respective member, and at least one article-guiding side wall upstanding from the track base of the respective member and extending along the respective member. The one side wall of the first member is disposed in general longitudinal alignment with the one side wall of the second member. The track device further comprises a locking mechanism for interconnecting the one side wall of the first member and the one side wall of the second member to lock the first and second members in position relative to each other. The locking mechanism comprises a part of the first member for preventing longitudinal displacement of the one side wall of the first member relative to the one side wall of the second member. In a track device in another form, the second member comprises a tongue extending longitudinally from its track base which tongue defines an end of the second member. The first member has an end-opening socket for receiving the tongue so that the track bases of the first and second members are interconnected to form a continuous floor for stably supporting the articles.

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MERCHANDISING DISPLAY TRACK DEVICE OF MULTIPLE-PIECE CONSTRUCTION

BACKGROUND OF THE INVENTION

This invention relates to a display track device for merchandising articles, and more particularly to a channel-shaped track device of a multiple-piece construction which enables low-cost molding of such devices.

Channel-shaped track devices have been used in the merchandising of a variety of products. The track devices, typically, are supported on a support surface such as a shelf in a tilted condition. Each device receives articles in a row so that the received articles slide or gravity feed or roller another to the front of the respective track as the leading articles in the row are removed from the track. Among these known track devices, two-piece construction devices are disclosed, for example, in U.S. Pat. No. 4,478,337 (Flum); U.S. Pat. No. 4,724,968 (Wombacher); and U.S. Pat. No. 5,240,126 (Foster et al.). Wombacher and Foster et al. each disclose a track device having a separate front stopper attached to the track base. Because these patents require a transversely extending front wall to assure the structural strength of the device, the front stoppers taught by these patents cannot be used to construct some type of track devices wherein such front walls are not desired. Front walls would conflict with the arrangement shown, for example, in U.S. Pat. No. 5,645,176 to Jay where increased visibility of leading articles is intended.

Flum's device includes front and rear separate members arranged in telescoping relationship which may be employed in Jay's track device. However, the Flum patent requires side walls of a hollow, double-wall structure which is not only expensive but also bulky such that it requires substantial dead space between two adjacent tracks.

What is needed, therefore, is an improved multiple-piece construction track device which allows economical application of a variety of designs to different portions of the track.

SUMMARY OF THE INVENTION

The track device of the invention has a special joint for firmly connecting two or more separate lengths of the track device together to create a one continuous track.

The present invention in one aspect provides a merchandising track device comprising first and second elongate track members formed separately as two discrete structures. The first and second members are connected together in an end-to-end, longitudinally adjacent relationship. Each member comprises a track base for carrying articles for sliding movement along the respective member, and at least one article-guiding side wall upstanding from the track base of the respective member and extending along the respective member. The one side wall of the first member is disposed in general longitudinal alignment with the one side wall of the second member. The track device further comprises locking means for interconnecting the one side wall of the first member and the one side wall of the second member to lock the first and second members in position relative to each other. The locking means comprises longitudinal retention means for preventing longitudinal displacement of the one side wall of the first member relative to the one side wall of the second member.

This arrangement allows low-cost application of a variety of designs as well as materials to different parts of the track device. For example, an expensive mold of a complicated

structure can be replaced by two or more less expensive, less complicated molds to form the device of the invention. Further, expensive material can be used only for a particular portion of the device where the use of such material is essential.

In a preferred embodiment, the longitudinal retention means comprises an overhang extending rearward from the one side wall of the first member along the upper edge of the one side wall of the second member, and a lug depending from the overhang and received in a cutout formed along the upper edge of the one side wall of the second member. In addition to the longitudinal retention means, the locking means may also include lateral retention means for preventing lateral displacement of the one side wall of the first member relative to the one side wall of the second member. The lateral retention means comprises a pair of engaging tabs provided for the first member. The engaging tabs are disposed respectively alongside the opposite side surfaces of the one side wall of the second member, and at least one of the engaging tabs is formed on the lug.

The present invention in another aspect provides a merchandising track device comprising first and second separately formed, elongate track members. The first and second members are connected together in an end-to-end, longitudinally adjacent relationship. Each member comprises an article-carrying track base. The second member comprises a tongue extending longitudinally from the track base of the second member which tongue defines an end of the second member. The first member has an end-opening socket for receiving the tongue so that the track bases of the first and second members are interconnected to form a continuous floor for slidably supporting articles. This arrangement also allows economical application of a variety of designs and materials to different parts of the track device.

In a preferred embodiment, the track base of the first member comprises upper and lower opposed walls, and the socket is defined between the upper and lower walls.

In another preferred embodiment, the upper surface of the tongue is disposed below the continuous floor of the device so that the upper surfaces of the track bases may lie in a common plane. The tongue may be provided with a downwardly projecting hooking element, and the track base of the first member may have a transversely extending edge for engaging the hooking element to prevent longitudinal displacement of the first member with respect to the second member.

The present invention in a still another aspect provides a merchandising track device comprising an elongate body, and a front piece formed as a discrete structure and attached to the front end of the body. The body comprises a track base for carrying a row of articles for sliding movement along the body, and at least one article-guiding side wall upstanding from the track base and extending along the body. The front piece provides a stopper for preventing the leading article in the row from exiting the track device. The front piece comprises a deck for supporting the leading article, at least one longitudinally extending upright wall upstanding from the deck and disposed in general longitudinal alignment with the one side wall, and locking means for interconnecting the one upright wall and the one side wall to lock the front piece in position relative to the body.

The elongate body and the front piece may be molded from either plastic or metal (e.g., aluminum, aluminum compound or the like). The body and the front piece may be formed from different material. Although any plastic or metal may be used to construct the device of the invention,

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the most preferred material for the body is polystyrene whereas the most preferred material for the front piece is polycarbonate.

A preferred embodiment of the locking means comprises lateral retention means for preventing lateral displacement of the one upright wall relative to the one side wall. Such lateral retention means may be a pair of engaging tabs provided for the one upright wall which engaging tabs are disposed alongside the opposite side surfaces of the one side wall, respectively. These engaging tabs are disposed with a lateral gap therebetween to receive in the gap an edge of the one side wall. The engaging tabs may be opposed to each other across the thickness of the one side wall. Alternatively, the engaging tabs may be disposed at positions offset from each other along the length of the one side wall.

Another preferred embodiment of the locking means comprises longitudinal retention means for preventing longitudinal displacement of the one upright wall relative to the one side wall. The longitudinal retention means may comprise an overhang extending rearward from the one upright wall along the upper edge of the one side wall, and a lug depending from the overhang. Such a longitudinal retention means cooperates with a cutout formed along the upper edge of the one side wall to receive the lug.

The aforementioned lateral retention means may also be incorporated into the arrangement with the longitudinal retention means which lateral retention means comprises a pair of engaging tabs provided for the one upright wall. In such an arrangement, at least one of the engaging tabs is formed on the lug. In the arrangement where both the engaging tabs are formed on the lug, the lug may have a thickness greater than the thickness of the one side wall. Alternatively, in the arrangement wherein only one of the engaging tabs is formed on the lug, the other tab may be formed on the one upright wall or on the overhang.

The present invention in a further aspect provides a merchandising track device comprising an elongate body and an attached front piece. The body comprises a track base for supporting a row of articles for sliding movement along the body, and a tongue extending forwardly from the track base and defining the forward end of the body. The front piece provide a stopper for the leading article in the row. The front piece comprises a deck for supporting the leading article which deck has a socket for receiving the tongue so that the deck and the track base are interconnected to form a continuous floor for slidably supporting the articles.

In a preferred embodiment, the deck comprises upper and lower opposed walls, and the socket is defined between the upper and lower walls.

In another preferred embodiment, the upper surface of the tongue is disposed below the continuous floor so that the upper surface of the deck and the upper surface of the track base may lie in a common plain. The tongue may be provided with a downwardly projecting hooking element, and the deck may have a transversely extending edge for engaging the hooking element to prevent forward displacement of the front piece.

The objects and advantages of the present invention will be apparent from the following description, the accompanying drawings and the appended claims.

BRIEF DESCRIPTION OF THE DRAWINGS

In the drawings,

FIG. 1 is a perspective view of a shelf unit assembled from a plurality of track devices according to the present invention;

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FIG. 2 is a fragmentary perspective view of one of the track devices in FIG. 1;

FIG. 3 is an exploded perspective view of the track device in FIG. 2;

FIG. 4 is a front elevation of the front piece in FIG. 3;

FIG. 5 is a bottom plan view of the front piece in FIG. 3;

FIG. 6 is a view taken along the line VI—VI in FIG. 5;

FIG. 7 is a view similar to FIG. 6 except that the body is connected to the front piece by the insertion of the tongue into the socket;

FIG. 8 is an enlarged perspective view of the locking means in FIG. 3;

FIG. 9 is a top plan view of the front piece in FIG. 3;

FIG. 10 is an enlarged top plan view of the locking means in FIG. 9;

FIG. 11 is an exploded top plan view of the second embodiment of the present invention;

FIG. 12 is a front elevation of the joined front pieces in FIG. 11;

FIG. 13 is a front elevation of the joined bodies in FIG. 11; and

FIG. 14 is an enlarged perspective view of the locking means in FIG. 11.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

FIG. 1 illustrates a display shelf unit assembled from multiple track devices according to the present invention. This shelf unit is designed to merchandise articles C such as bottled or canned drink products. The shelf unit includes a plurality of elongate track devices 20 detachably interconnected in a side-by-side, transversely adjacent relationship. The number of the track device 20 used to assemble the shelf unit is determined such that the size of the shelf unit is suitable for placement onto an existing display shelf in a retail store in which the unit is desired to be installed. The interconnection of two adjacent track devices is achieved by connecting means such as connector slots 80 (shown in FIG. 1) cooperating with L-shaped horizontal connector elements 82 (only one shown in FIG. 2). Details of the slots 80 and the elements 82 are described in U.S. Pat. No. 5,634,564 which is hereby incorporated by reference. Additional connecting means are provided at the front portion of each device which additional means will be described later.

The shelf unit may be supported on a horizontal surface and may preferably be incorporated with a spring-loaded pusher for moving the loaded articles forwardly of the unit. An example of conventional pushers is shown in U.S. Pat. No. 5,634,564. However, the shelf unit may also be supported on a forwardly and downwardly tilted surface. In a tilted condition, each track device 20 operates as a so called "gravity feed" dispensing device which does not require any mechanical pushers. On a gravity feed device, the loaded articles have a natural tendency to automatically slide downwardly and forwardly in the front end of the track. The angle of tilt from the horizontal may vary somewhat but such an angle may be about 1 to 20 degrees and preferably about 3.5 to 8 degrees. The angle of tilt in most applications of the invention may be approximately 6 degrees from horizontal.

FIGS. 2 and 3 illustrate one of the track devices 20 in the form separated from the shelf unit. As all the devices 20 are virtually the same in size and structure, only one device is described hereinafter. As illustrated, the track device 20 has a two-piece construction formed of molded plastic material

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and includes a first member or front piece 24 and a second member or elongate track body 22. The body 22 includes an article-supporting track base 26, an article-guiding side wall 28, a rear wall 30, and a side lip 32. The side wall 28 is upstanding from one of the side edges of the track base 26. The rear wall 30 is upstanding from the rear end of the track base 26. The side lip 32 is formed along the other side edge of the track base 26. The track base 26, the side wall 28 and the side wall of the adjacent track body 22 (shown in FIG. 1), in cooperation, define a channel for receiving a row of articles C.

The front piece 24 is molded separately from the body 22 to provide a front stopper for preventing the leading article in the row from exiting the track device. As illustrated in FIGS. 2, 3 and 4, the front piece 24 includes a track base or deck 34, a longitudinally extending side wall or upright wall 36, an upper stopper element 38, and a pair of lower stopper elements 40. The upright wall 36 is upstanding from one of the opposite side edges of the deck 34 to be disposed in general longitudinal alignment with the side wall 28. The upper stopper element 38 extends transversely of the device 20 to bridge between the respective upper ends of the upright wall 36 and a post 42 which is upstanding from the other side edge of the deck 34. The upper stopper element 38 is the portion against which the leading article on the respective device 20 rests when it is arrested by the front piece 24. Details of the upper stopper element are described in U.S. Pat. No. 5,645,176 which is hereby incorporated by reference. The lower stopper elements 40 extend upwardly from the deck 36 along the respective front edges of the upright wall 36 and the post 42. These lower stopper elements 40 cooperate with the upper stopper element 38 to arrest the leading article.

To interconnect the front piece 24 with the body 22, a tongue 44 is formed integrally with the body 22 as shown in FIG. 3. The tongue 44 extends forwardly from the track base 26 and defines the forward end of the body 22. A pair of notches 46 are formed in the tongue 44 to divide the tongue 44 into three portions, i.e., a pair of side portions 48 and a medial portion 50. Due to the notches 46, the medial portion 50 exhibits substantial flexibility. The medial portion 50 is provided along its transversely extending free end edge with a downwardly projecting hooking rib 52.

The upper surface of the tongue 44 is disposed below a common plane in which the tops or peaks of upwardly projecting parallel ribs 54 lie. The ribs 54 are formed integrally with the track base 26 along the length of the track device 20 to minimize friction between the track base 26 and the articles to be carried thereon. In other words, the ribs 54 provide a part of the "continuous floor" for slidably supporting articles, which continuous floor lies in the aforesaid common plane. Because the upper surface of the tongue 44 is below the common plane, the deck 34 is allowed to cooperate with the ribs 54 to form the continuous floor when the front piece 24 is attached to the body 22. This will be described later more specifically. The ribs 54, preferably, are arranged at equal spacings and are of a generally trapezoidal cross section.

The means for cooperating or mating with the tongue 44 is provided for the front piece 24 in the form of a socket 60 that is defined between the upper and lower opposed walls 56 and 58 of the deck 34 (see FIGS. 5 and 6). The lower wall 58 includes a strip portion 62 extending transversely of the deck 34. This strip portion 62 has a front face which provides a transversely extending engaging edge 64 for engagement with the hooking rib 52 of the tongue 44. The rear face 66 of the strip portion 62 slopes downwardly and rearwardly to facilitate insertion of the tongue 44 into the socket 60.

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Further, the upper wall 56 of the deck 34 is formed integrally with a plurality of upwardly projecting parallel ribs 68. These ribs 68 are arranged such that they are brought into longitudinal alignment with the ribs 54 of the track base 26 when the front piece 24 is attached to the track body 22. However, the vertical size of the ribs 68 is substantially less than that of the ribs 54 so that when the body 22 and front piece 24 are interconnected, the tops or peaks of the ribs 68 and those of the ribs 54 can lie in the aforesaid common plane to provide the "continuous floor" for articles. For this reason, the vertical size of the ribs 54 is equal to the total thickness or vertical size of the upper wall 56 and the ribs 68. This is best shown in FIG. 7.

Locking means is provided for the front piece 24 to interconnect the upright wall 36 and the side wall 28. Such locking means comprises an overhang 70 joined to the upright wall 36 and extending rearward along the upper edge of the side wall 28. An engaging lug 72 is formed integrally with the overhang 70 and depends from the overhang 70 to be received in a cutout 74 (shown in FIG. 3) formed in the side wall 28 along its upper edge. The thickness or transverse size "T" (shown in FIG. 5) of the lug 72 is greater than that of the side wall 28.

As best shown in FIGS. 5 and 8, a pair of inner and outer engaging tabs 76 and 78 are joined to the lower end of the lug 72 and extend downwardly therefrom. These engaging tabs 76 and 78 are disposed with a lateral gap "G" between themselves to receive in the gap "G" the horizontally extending periphery of the cutout 74. The illustrated engaging tabs 76 and 78 are disposed at positions offset from each other; however, they may be transversely aligned or opposed across the gap "G".

In addition, keyhole apertures 84 (shown in FIGS. 2, 3, 6 and 7) are formed in the upright wall 36 to connect the front piece 24 with the adjacent like front piece. Mating with the keyhole apertures 84 are headed tabs 86 of a T-shaped vertical cross section projecting sideward from the post 42 (shown in FIGS. 4, 5 and 9). These apertures and tabs 84 and 86 cooperate with the aforementioned slots and elements 80 and 82 to interconnect the track device 20 with an adjacent like track device. In place of these illustrated connecting means, however, a variety of conventional mechanisms may be used to secure two adjacent track devices 20 in such a side-to-side, transversely adjacent relationship.

The above body 22 and the front piece 24 may be molded from either plastic or metal; however, they are preferably formed from a plastic material such as polyvinyl chloride, polystyrene, polycarbonate or the like. Among these plastic materials, the most preferred material for manufacturing the body 22 is high impact polystyrene whereas the most preferred material for manufacturing the front piece 24 is polycarbonate. The polystyrene for molding the body 22 may have silicone or some other suitable lubricant material dispersed therein in order to reduce friction between the ribs 54 and the articles to be placed thereon. However, body 22 and the front piece may be formed from the same material. For example, when both the body 22 and the front piece 24 are made of polycarbonate, an entirely transparent track device may be created.

The front piece 24 may be attached to the body 22 in the following manner: The tongue 44 of the body 22 is inserted through the rear end opening (i.e., the entrance of the socket 60) of the deck 34 until the lug 72 abuts the front edge of the side wall 28. The overhang 70 is then slightly flexed toward either side of the side wall 28 to prevent the lug 72 from interfering with the side wall 28. Further forward movement

of the tongue 44 causes the hooking rib 52 to abut the rear sloping face 66 of the strip portion 62. As the insertion is continued, the hooking rib 52 is caused to slide upwardly along the sloping face 66 while the medial portion 50 is resiliently bent upwardly. The hooking rib 52 is thus guided along the surface of the strip portion 62 until the tongue 44 is fully inserted to allow the hooking rib 52 to snap-engage the edge 64 of the strip portion 62 (see FIG. 7). This engagement prevents forward displacement or undesired detachment of the deck 34 from the track base 26.

Meanwhile the overhang 70 is slightly twisted to manipulate the inner and outer engaging tabs 76 and 78 to receive in the gap "G" the horizontally extending peripheral edge of the cutout 74. By this means, the lug 72 snugly fits into the cutout 74 with the inner and outer engaging tabs 76 and 78 being positioned alongside the inside and outside surfaces of the side wall 28, respectively. Such an arrangement of the inner and outer tabs 76 and 78 is best shown in FIG. 10. This arrangement prevents both forward and lateral displacement of the upright wall 36 with respect to the side wall 28.

It will be recognized that many variations may be made to the foregoing within the scope of the present invention. For example, the track device of the invention may include three or more separately formed, longitudinally adjacent track members, wherein each pair of two adjacent track members are connected together through the locking means and/or the tongue-and-socket joint mentioned above. It should be also recognized that each of the first and second track members 24 and 22 may have a pair of side walls wherein the side walls of the first member 24 are connected respectively to the side walls of the second member 22 through the locking means.

It should be further recognized that the present invention may be incorporated into a shelf unit wherein multiple first track members are molded together in a side-by-side, longitudinally adjacent relationship and so are multiple second track members. An example of such a variation is illustrated in FIGS. 11-14 wherein a plurality of track bodies 90 are molded together so that the respective track bases 92 are joined together through side walls 94. A plurality of front pieces 96 are also molded together so that the respective decks 98 are joined together and the respective upper stopper elements 100 are joined together in series. Each pair of a body 90 and a front piece 96 employs a tongue 102 and a socket virtually equal to the tongue and the socket described in the foregoing embodiment. However, the locking means used in this embodiment is different from the one in the foregoing embodiment. As shown in FIG. 14, the locking means includes an outer engaging tab 104 depending from the lug 106 and an inner engaging tab 108 extending rearward from a ledge 110 that is formed on the inside surface of the respective upright wall 112. When the front pieces 96 are attached to the bodies 90, the rear end of the ledge 110 is brought into abutment with the forward end of the associated side wall 94, and the inner tab 108 is located alongside the inside surface of the side wall 94.

What is claimed is:

1. A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and second members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one article-guiding side wall upstanding from said track base of said each member and extending along said

each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending upwardly above an upper edge of said one side wall of said second member, said one side wall of said second member having a cutout opening to said upper edge thereof and to opposite side surfaces thereof;

locking means integrally formed with said first member for interconnecting said one side wall of said first member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one side wall of said second member, said flexible overhang engages side of said one side wall of said second member with a lug formed integrally with said overhang and received in said cutout, whereby longitudinal displacement of said one side wall of said first member relative to said one side wall of said second member is prevented; and

a pair of engaging tabs provided disposed respectively alongside said opposite side surfaces of said one side wall of said second member with at least one of said engaging tabs formed on said lug so that lateral displacement of said one side wall of said first member relative to said one side wall of said second member is prevented.

2. A merchandising track device for displaying articles, said track device comprising:

an elongate body having a forward end, said body comprising a track base for carrying a row of articles for sliding movement along said body, a tongue extending forwardly from said track base and defining said forward end of said body, and at least one article-guiding side wall upstanding from said track base and extending along said body;

a front piece formed as a discrete structure separate from said body and attached to said forward end of said body to provide a stopper for preventing a leading article in said row from exiting said track device, said front piece comprising a deck for supporting said leading article, at least one upright wall upstanding from said deck and disposed in general longitudinal alignment with said one side wall, said one upright wall including a portion extending upwardly above an upper edge of said one sidewall; and locking means for interconnecting said one upright wall and said one side wall to lock said front piece in position relative to said body, said locking means including a flexible overhang integrally formed with said front piece and extending rearward from said portion of said one upright wall and disposed over said upper edge of said one side wall with said flexible overhang flexing to either side of said one side wall of said second member; and

a pair of engaging tabs disposed respectively alongside opposite side surfaces of said one side wall, at least one of said engaging tabs being integrally formed with said overhang, whereby lateral displacement of said one upright wall relative to said one side wall is prevented, and wherein one sidewall has a cutout opening to said upper edge and said opposite side surface thereof, and at least one engaging tab is formed on a lug to engage in said cutout.

3. The track device according to claim 2, wherein said lug has a thickness greater than a thickness of said one side wall, and both said engaging tabs are formed on said lug.

4. The track device according to claim 2, wherein said tongue is provided with a hooking element projecting therefrom, and said deck has a strip portion having a front and rear opposed faces, said front face providing an edge for engaging said hooking element to prevent forward displacement of said front piece with respect to said body, said rear face sloping to facilitate insertion of said tongue into said socket.

5. The track device according to claim 4, wherein said engaging edge of said deck extends transversely of said body.

6. The track device according to claim 5, wherein said strip portion is provided by said lower wall and extends transversely of said body, said rear face of said strip portion sloping downwardly and rearwardly, said hooking element projecting downwardly from a lower surface of said tongue.

7. The track device according to claim 4, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial flexibility, and said one of said plural portions is provided with said hooking element.

8. The track device according to claim 2, wherein said engaging tabs are disposed with a lateral gap therebetween to receive in said gap an edge of said one sidewall.

9. The track device according to claim 8, wherein said engaging tabs are opposed to each other across a thickness of said one side wall.

10. The track device according to claim 8, wherein said engaging tabs are disposed at positions offset from each other along a length of said one side wall.

11. The track device according to claim 2, wherein said body and said front piece are formed from different material.

12. The track device according to claim 11, wherein said body is molded of polystyrene, and said front piece is molded of polycarbonate.

13. The track device according to claim 2, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial flexibility, and said one of said plural portions is provided with said hooking element.

14. A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and second members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one article-guiding side wall upstanding from said track base of said each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending upwardly above an upper edge of said one side wall of said second member, said one side wall of said second member having a cutout opening to said upper edge thereof and to opposite side surfaces thereof;

said second member comprising a tongue extending longitudinally from said track base of said second member, said tongue defining an end of said second member, said first member having an end-opening socket for receiving said tongue so that said track bases of said first and second members are interconnected, said tongue being formed on said track base of said second member such that an upper surface of said tongue is disposed below an upper surface of said track base of

said second member to allow said upper surface of said track base of said second member and an upper surface of said track base of said first member to form a continuous floor for slidably supporting said articles, wherein said track base of said first member comprises upper and lower opposed walls, and said socket is defined between said upper and lower walls; and

locking means integrally formed with said first member for interconnecting said one side wall of said first member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one side wall of said second member with said flexible overhang flexing to either side of said one side wall of said second member, and a lug with tabs formed integrally with and extending from said overhang and received in said cutout, whereby longitudinal displacement of said one side wall of said first member relative to said one side wall of said second member is prevented.

15. The track device according to claim 14, wherein said tongue is provided with a hooking element projecting therefrom, and said track base of said first member has a strip portion having a front and rear opposed faces, said front face providing an edge for engaging said hooking element to prevent longitudinal displacement of said first member with respect to said second member, said rear face sloping to facilitate insertion of said tongue into said socket.

16. A merchandising track device for displaying articles, said track device comprising:

an elongate body having a forward end, said body comprising a track base for carrying a row of articles for sliding movement along said body, a tongue extending forwardly from said track base and defining said forward end of said body, and at least one article-guiding side wall upstanding from said track base and extending along said body; and

a front piece formed as a discrete structure separate from said body and attached to said forward end of said body to provide a stopper for preventing a leading article in said row from exiting said track device, said front piece comprising a deck for supporting said leading article, said deck having a socket for receiving said tongue so that said deck and said track base are interconnected, said tongue being formed on said track base such that an upper surface of said tongue is disposed below an upper surface of said track base to allow said upper surface of said track base and an upper surface of said deck to form a continuous floor for slidably supporting said articles, at least one upright wall upstanding from said deck and disposed in general longitudinal alignment with said one side wall, said one upright wall including a portion extending upwardly above an upper edge of said one sidewall; and locking means integrally formed with said front piece for interconnecting said one upright wall with said one side wall to lock said front piece in position relative to said body, said locking means including a flexible overhang extending rearward from said portion of said one upright wall and disposed over said upper edge of said one side wall having said cutout, said flexible overhang flexing to either side of said one side wall of said second member; and

a pair of engaging tabs disposed respectively alongside opposite side surfaces of said one side wall in a cutout

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with at least one of said engaging tabs being integrally formed with said overhang so that lateral displacement of said one upright wall relative to said one side wall is prevented.

17. The track device according to claim 16, wherein said tongue is provided with a hooking element projecting therefrom, and said deck has a strip portion having front and

12

rear opposed faces, said front face providing an edge for engaging said hooking element to prevent forward displacement of said front piece with respect to said body, said rear face sloping to facilitate insertion of said tongue into said socket.

* * * * *

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Inventor(s):

Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

US Patent No.: 6,325,221

Issued: December 4, 20017

Serial No.: 08/967,381

Filed: November 8, 1997

Group Art Unit: 3634

Examiner: Tran, Khoa.


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Name: John L. James

Registration No. 28,724

Date: November 10, 2003

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

STATEMENT OF STATUS AND SUPPORT FOR CHANGES TO CLAIMS

Original claims 1-17 claims have not been altered.
New claims 18-24 are presented for the first time.

New claims 18-20 are directed to a front panel
assembly for a merchandising display track device. The
track is adapted to receive a row of articles for sliding
movement therealong. The front panel assembly includes a
base with first and second vertical members upstanding
therefrom. An elongate connecting member has one end
connected to the top end portion of the first vertical
member and has its other end connected to the top end
portion of the second vertical member. The connecting
member curves outwardly away from the vertical members.

Means are provided for detachably attaching the first and second vertical members to the track device.

New claims 22-24 are similar to claims 18-20 but the front panel assembly has three vertical members and two elongate connecting members for two rows of articles. Means are provided for detachably attaching the front panel assembly to the track device.

New claim 21 recites a track base and a floor deck instead of a base. Means are provided for detachably attaching the floor deck to the track base.

Support for the new claims exists in drawings, particularly Figures 1-3, 6-10 and 14, and throughout the specification, particularly the following:

<u>Column</u>	<u>Lines</u>
4	45-47, 64-67
5	1-2, 8-25, 57-67
6	14-33, 61-67
7	1-20

Respectfully submitted,



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Atty Docket No. D-2958RE
Statement of Status and Support
Telephone: 770-792-0360
Facsimile: 770-792-0360

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Inventor(s):
Dennis E. Parham

Group Art Unit: 3634

Examiner: Tran, Khoa.

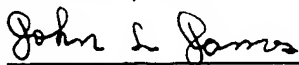
Merchandising Display Track
Device Of Multiple-Piece
Construction

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Alexandria, VA 22313-1450

Issued: December 4, 20017



Serial No.: 08/967,381

Name: John L. James
Registration No. 28,724
Date: November 10, 2003

Filed: November 8, 1997

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

PRELIMINARY AMENDMENT

Prior to examination of the above-identified
reissue application, please amend the above-identified
application as follows: In the specification please amend
the paragraphs beginning at column 2 line 47, column 3
line 37, and column 4 line 30; and add new claims 18-24.

SPECIFICATION AMENDMENTS

The present invention in [[a]] still another aspect provides a merchandising track device comprising an elongate body, and a front piece formed as a discrete structure and attached to the front end of the body. The body comprises a
5 track base for carrying a row of articles for sliding movement along the body, and at least one article-guiding side wall upstanding from the track base and extending along the body. The front piece provides a stopper for preventing the leading article in the row from exiting the track
10 device. The front piece comprises a deck for supporting the leading article, at least one longitudinally extending upright wall upstanding from the deck and disposed in general longitudinal alignment with the one side wall, and locking means for interconnecting the one upright wall and
15 the one side wall to lock the front piece in position relative to the body.

The present invention in a further aspect provides a merchandising track device comprising an elongate body and an attached front piece. The body comprises a track base for supporting a row of articles for sliding movement along the
5 body, and a tongue extending forwardly from the track base and defining the forward end of the body. The front piece ~~provide~~ provides a stopper for the leading article in the row. The front piece comprises a deck for supporting the leading article which deck has a socket for receiving the
10 tongue so that the deck and the track base are interconnected to form a continuous floor for slidably supporting the articles.

FIG. 1 illustrates a display shelf unit assembled from multiple track devices according to the present invention. This shelf unit is designed to merchandise articles C such as bottled or canned drink products. The shelf unit includes a plurality of elongate track devices 20 detachably interconnected in a side-by-side, transversely adjacent relationship. The number of ~~the track device~~ track devices 20 used to assemble the shelf unit is determined such that the size of the shelf unit is suitable for placement onto an existing display shelf in a retail store in which the unit is desired to be installed. The interconnection of two adjacent track devices is achieved by connecting means such as connector slots 80 (shown in FIG. 1) cooperating with L-shaped horizontal connector elements 82 (only one shown in FIG. 2). Details of the slots 80 and the elements 82 are described in U.S. Pat. No. 5,634,564 which is hereby incorporated by reference. Additional connecting means are provided at the front portion of each device which additional means will be described later.

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CLAIM AMENDMENTS

Claim 1 (original): A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and second
5 members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one
10 article-guiding side wall upstanding from said track base of said each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending upwardly above an upper edge of said one side wall of said second
15 member, said one side wall of said second member having a cutout opening to said upper edge thereof and to opposite side surfaces thereof;

locking means integrally formed with said first member for interconnecting said one side wall of said first
20 member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one
25 side wall of said second member, said flexible overhang engages side of said one side wall of said second member with a lug formed integrally with said overhang and received in said cutout, whereby longitudinal displacement of said

one side wall of said first member relative to said one side
30 wall of said second member is prevented; and

a pair of engaging tabs provided disposed
respectively alongside said opposite side surfaces of said
one side wall of said second member with at least one of
said engaging tabs formed on said lug so that lateral
35 displacement of said one side wall of said first member
relative to said one side wall of said second member is
prevented.

Claim 2 (original): A merchandising track device
for displaying articles, said track device comprising:

an elongate body having a forward end, said body
comprising a track base for carrying a row of articles for
5 sliding movement along said body, a tongue extending
forwardly from said track base and defining said forward end
of said body, and at least one article-guiding side wall
upstanding from said track base and extending along said
body;

10 a front piece formed as a discrete structure
separate from said body and attached to said forward end of
said body to provide a stopper for preventing a leading
article in said row from exiting said track device, said
front piece comprising a deck for supporting said leading
15 article, at least one upright wall upstanding from said deck
and disposed in general longitudinal alignment with said one
side wall, said one upright wall including a portion
extending upwardly above an upper edge of said one sidewall;
and locking means for interconnecting said one upright wall
20 and said one side wall to lock said front piece in position
relative to said body, said locking means including a

flexible overhang integrally formed with said front piece
and extending rearward from said portion of said one upright
wall and disposed over said upper edge of said one side wall
25 with said flexible overhang flexing to either side of said
one side wall of said second member; and

a pair of engaging tabs disposed respectively
alongside opposite side surfaces of said one side wall, at
least one of said engaging tabs being integrally formed with
30 said overhang, whereby lateral displacement of said one
upright wall relative to said one side wall is prevented,
and wherein one sidewall has a cutout opening to said upper
edge and said opposite side surface thereof, and at

least one engaging tab is formed on a lug to engage
35 in said cutout.

Claim 3 (original): The track device according to
claim 2, wherein said lug has a thickness greater than a
thickness of said one side wall, and both said engaging tabs
are formed on said lug.

5

Claim 4 (original): The track device according to
claim 2, wherein said tongue is provided with a hooking
element projecting therefrom, and said deck has a strip
portion having a front and rear opposed faces, said front
5 face providing an edge for engaging said hooking element to
prevent forward displacement of said front piece with
respect to said body, said rear face sloping to facilitate
insertion of said tongue into said socket.

Claim 5 (original): The track device according to claim 4, wherein said engaging edge of said deck extends transversely of said body.

Claim 6 (original): The track device according to claim 5, wherein said strip portion is provided by said lower wall and extends transversely of said body, said rear face of said strip portion sloping downwardly and rearwardly, said hooking element projecting downwardly from a lower surface of said tongue.

Claim 7 (original): The track device according to claim 4, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial flexibility, and said one of said plural portions is provided with said hooking element.

Claim 8 (original): The track device according to claim 2, wherein said engaging tabs are disposed with a lateral gap therebetween to receive in said gap an edge of said one sidewall.

5

Claim 9 (original): The track device according to claim 8, wherein said engaging tabs are opposed to each other across a thickness of said one side wall.

Claim 10 (original): The track device according to claim 8, wherein said engaging tabs are disposed at positions offset from each other along a length of said one side wall.

Claim 11 (original): The track device according to claim 2, wherein said body and said front piece are formed from different material.

Claim 12 (original): The track device according to claim 11, wherein said body is molded of polystyrene, and said front piece is molded of polycarbonate.

Claim 13 (original): The track device according to claim 2, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial
5 flexibility, and said one of said plural portions is provided with said hooking element.

Claim 14 (original): A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and second
5 members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one article-guiding side wall upstanding from said track base of
10 said each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending upwardly above an upper edge of said one side wall of said second
15 member, said one side wall of said second member having a

cutout opening to said upper edge thereof and to opposite side surfaces thereof;

said second member comprising a tongue extending longitudinally from said track base of said second member, said tongue defining an end of said second member, said first member having an end-opening socket for receiving said tongue so that said track bases of said first and second members are interconnected, said tongue being formed on said track base of said second member such that an upper surface of said tongue is disposed below an upper surface of said track base of said second member to allow said upper surface of said track base of said second member and an upper surface of said track base of said first member to form a continuous floor for slidably supporting said articles, wherein said track base of said first member comprises upper and lower opposed walls, and said socket is defined between said upper and lower walls; and

locking means integrally formed with said first member for interconnecting said one side wall of said first member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one side wall of said second member with said flexible overhang flexing to either side of said one side wall of said second member, and a lug with tabs formed integrally with and extending from said overhang and received in said cutout, whereby longitudinal displacement of said one side wall of said first member relative to said one side wall of said second member is prevented.

Claim 15 (original): The track device according to claim 14, wherein said tongue is provided with a hooking element projecting therefrom, and said track base of said first member has a strip portion having a front and rear
5 opposed faces, said front face providing an edge for engaging said hooking element to prevent longitudinal displacement of said first member with respect to said second member, said rear face sloping to facilitate insertion of said tongue into said socket.

10

Claim 16 (original): A merchandising track device for displaying articles, said track device comprising:

an elongate body having a forward end, said body comprising a track base for carrying a row of articles for
5 sliding movement along said body, a tongue extending forwardly from said track base and defining said forward end of said body, and at least one article-guiding side wall upstanding from said track base and extending along said body; and

10 a front piece formed as a discrete structure separate from said body and attached to said forward end of said body to provide a stopper for preventing a leading article in said row from exiting said track device, said front piece comprising a deck for supporting said leading
15 article, said deck having a socket for receiving said tongue so that said deck and said track base are interconnected, said tongue being formed on said track base such that an upper surface of said tongue is disposed below an upper surface of said track base to allow said upper surface of
20 said track base and an upper surface of said deck to form a

continuous floor for slidably supporting said articles, at least one upright wall upstanding from said deck and disposed in general longitudinal alignment with said one side wall, said one upright wall including a portion
25 extending upwardly above an upper edge of said one sidewall; and locking means integrally formed with said front piece for interconnecting said one upright wall with said one side wall to lock said front piece in position relative to said body, said locking means including a flexible overhang
30 extending rearward from said portion of said one upright wall and disposed over said upper edge of said one side wall having said cutout, said flexible overhang flexing to either side of said one side wall of said second member; and
a pair of engaging tabs disposed respectively
35 alongside opposite side surfaces of said one side wall in a cutout with at least one of said engaging tabs being integrally formed with said overhang so that lateral displacement of said one upright wall relative to said one side wall is prevented.

40

Claim 17 (original): The track device according to claim 16, wherein said tongue is provided with a hooking element projecting therefrom, and said deck has a strip portion having front and rear opposed faces, said front face
5 providing an edge for engaging said hooking element to prevent forward displacement of said front piece with respect to said body, said rear face sloping to facilitate insertion of said tongue into said socket.

Claim 18 (new): A front panel assembly for a merchandising display track device, said track device being

adapted to receive a row of articles for sliding movement therealong, said front panel assembly, comprising:

5 a base adapted to receive said row of articles for sliding movement therealong;

 a first upstanding vertical member having a top end portion, a bottom end portion and a front edge, said first vertical member being connected along its bottom end
10 portion to said base;

 a second upstanding vertical member having a top end portion, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and connected along its bottom end portion
15 to said base;

 an elongate connecting member having a first end connected to said top end portion of said first vertical member and a second end portion connected to said top end portion of said second vertical member, said connecting
20 member curving outwardly away from said vertical members;
and

 means for detachably attaching said first and second vertical members to said track device.

Claim 19 (new): A front panel, as set forth in claim 18, including:

 a first face member connected to said front edge of said first vertical member, said first face member
5 extending laterally a preselected distance from said first vertical member toward said second vertical member; and

 a second face member connected to said front edge of said second vertical member, said second face member extending laterally a preselected distance from said second
10 vertical member toward said first vertical member.

Claim 20 (new): A front panel, as set forth in claim 19, wherein said first and second face members are connected to said base.

Claim 21 (new): A front panel assembly for a merchandising display track device, said track device having a track base adapted to receive a row of articles for sliding movement therealong, said front panel assembly, comprising:

a floor deck adapted to receive said row of articles for sliding movement therealong;

a first upstanding vertical member having a top end, a bottom end portion and a front edge, said first vertical member being connected along its bottom end portion to said floor deck;

a second upstanding vertical member having a top end, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and connected along its bottom end portion to said floor deck;

an elongate connecting member having a first end connected to said top end of said first vertical member and a second end portion connected to said top end of said second vertical member, said connecting member curving outwardly away from said vertical members; and

means for detachably attaching said floor deck to said track base.

Claim 22 (new): A front panel assembly for a merchandising display track device, said track device being adapted to receive rows of articles for sliding movement therealong, said front panel assembly, comprising:

a base;

a first upstanding vertical member having a top end portion, a bottom end portion and a front edge, said first

vertical member being connected along its bottom end portion to said base;

10 a second upstanding vertical member having a top end portion, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and connected along its bottom end portion to said base;

15 a third upstanding vertical member having a top end portion, a bottom end portion and a front edge, said third vertical member being laterally spaced from said second vertical member and connected along its bottom end portion to said base, said second vertical member being

20 intermediate said first and third vertical members;

 a first elongate connecting member having a first end connected to said top end portion of said first vertical member and a second end portion connected to said top end portion of said second vertical member, said first
25 connecting member curving outward away from said first and second vertical members;

 a second elongate connecting member having a first end connected to said top end portion of said second vertical member and a second end portion connected to said
30 top end portion of said third vertical member, said second connecting member curving outward away from said second and third vertical members; and

 means for detachably attaching said front panel assembly to said track device.

35

 Claim 23 (new): A front panel, as set forth in claim 22, including:

 a first face member having a top end portion and a bottom end portion and being connected to said front edge
5 of said first vertical member, said first face member extending laterally a preselected distance from said first vertical member toward said second vertical member;

a second face member having a top end portion and a bottom end portion and being connected to said front edge of said second vertical member, said second face member extending laterally a preselected distance from said second vertical member toward said first vertical member and extending laterally a preselected distance from said second vertical member toward said third vertical member; and
a third face member having a top end portion and a bottom end portion and being connected to said front edge of said third vertical member, said third face member extending laterally a preselected distance from said third vertical member toward said second vertical member.

20

Claim 24 (new): A front panel, as set forth in claim 26, wherein said first, second and third face members are connected to said base.

REMARKS

Reconsideration of the original claims and consideration of the new claims are respectfully requested. Original claims 1-17 claims have not been altered. New claims 18-24 are presented for the first time. Claims 1, 2, 14, 16, 18, 21 and 22 are the only independent claims in the application.

The art newly cited with this application is not believed to be relevant to original claims 1-17. Claims 1-13 require locking means and engaging tabs which are absent from the newly cited art. Claims 14-15 require locking means and a lug with tabs which are absent from the newly cited art. Claims 16-17 require locking means and engaging tabs which are absent from the newly cited art.

New claims 18-20 are directed to a front panel assembly for a merchandising display track device. The track is adapted to receive a row of articles for sliding movement therealong. The front panel assembly includes a base with first and second vertical members upstanding therefrom. An elongate connecting member has one end connected to the top end portion of the first vertical member and has its other end connected to the top end portion of the second vertical member. The connecting member curves outwardly away from the vertical members. Means are provided for detachably attaching the first and second vertical members to the track device.

New claims 22-24 are similar to claims 18-20 but the front panel assembly has three vertical members and two elongate connecting members for two rows of articles. Means are provided for detachably attaching the front panel assembly to the track device.

New claim 21 recites a track base and a floor deck instead of a base. Means are provided for detachably attaching the floor deck to the track base.

Support for the new claims exists in drawings, particularly Figures 1-3, 6-10 and 14, and throughout the specification, particularly the following:

<u>Column</u>	<u>Lines</u>
4	45-47, 64-67
5	1-2, 8-25, 57-67
6	14-33, 61-67
7	1-20

U.S. Patent No. 6,189,734 B1 which issued 02/02/01 Apps et al. discloses a gravity feed dispensing device with a basket 60. The track device holds bottles by the neck and the basket 60 hangs downwardly from the track. This differs from the present invention which requires that the articles slide along the track and front piece and that the vertical members of the front piece extend upwardly.

U.S. Patent No. 6,142,316 which issued 11/07/00 to Harbour et al. discloses a track device with upstanding guide members or sidewalls 18 attached to a floor 26. An arcuate front wall member 22 connects the top portions of the sidewalls. According to column 9 lines 9-15, the guide members or sidewalls 18 are preferably integrally formed with the module 16 although other suitable means may be used to attach the guide members 18 to both the floor 26 as well as to upright posts or reinforcing members 28. Harbour et al. are silent on the other suitable means, but sonic welding techniques are well known, as well as permanent adhesives, which yield a one-piece unit. Harbour et al. teach away from the present invention which is directed to a multiple-piece track device with a detachable front piece.

U.S. Patent No. 5,971,204 which issued 10/26/99 to Apps discloses a bottle dispenser with a basket 16 for displaying bottles. The basket 16 has opposing flanges 38

for engagement along the peripheral edge 40 of the second aperture 34 of the housing 12. Apps lacks an elongate connecting member as required by the claims.

U.S. Patent No. 5,862,923 which issued 01/26/99 to Nordquist et al. discloses a shelf device with a bracket 56 to stop forward motion of products 58, 60. Nordquist et al. lack an elongate connecting member as required by the claims.

U.S. Patent No. 5,788,091 which issued 08/04/98 to Robertson et al. discloses a gravity feed dispensing device that holds bottles by the neck. This differs from the present invention which requires that the articles slide along the track and that the vertical members of the front piece extend upwardly.

U.S. Patent No. 5,685,664 which issued 11/11/97 to Parham et al. discloses a gravity feed dispensing device that holds bottles by the neck. This differs from the present invention which requires that the articles slide along the track and that the vertical members of the front piece extend upwardly.

U.S. Patent No. 5,645,176 which issued 07/08/97 to Jay discloses an elongate channel of an integral, one-piece unitary construction formed in a single plastic molding operation. Jay teaches away from the present invention which is directed to a multiple-piece tack device.

U.S. Patent No. 4,205,763 which issued 06/03/80 to Merl discloses a dispenser 10 having a storage compartment 14 and a dispenser portion 20. The dispenser portion 20 has a horizontal platform 22 upon which containers drop and rest. The dispenser portion 20 is bordered at its forward end by an integrally formed guard rail 24 for guiding the containers as they drop on platform 22 and for holding the containers in the vertical presentment position prior to their being removed from the platform 22. The containers

roll toward the presentment position. Merl thus teaches away from sliding containers.

U.S. Patent No. 2,218,444 which issued 10/15/40 to Vineyard discloses a guard rail 11. Vineyard does not disclose how the guard rail 11 is attached but it is attached to the outside of the other structure. To be functional to stop forward motion of the bottles, the guard rail must be rigid. Rigid connection means welding since no other fasteners are present. The guard rail thus must be permanently connected instead of detachably attached as with the present invention.

U.S. Patent No. Des. 401,436 which issued 11/24/98 to discloses an elongate channel of one-piece construction and appears to be the same device described in U.S. Patent No. 5,645,176 which issued 07/08/97 to Jay.

U.S. Patent Pub. No. 2001/0020606 which published 09/13/01 to Battaglia et al discloses a track device with a front member 40 that pivots. The claims require first and second upstanding vertical members and an elongate connecting member connected to the top end portions of the vertical members. Battaglia et al do not disclose an elongate connecting member.

It is believed that the claims in the application are allowable over the prior art and that the application is in condition for immediate reissue.

Respectfully submitted,



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Atty Docket No. D-2958RE
Preliminary Amendment
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue
Application of U.S. Patent
No.: 6,325,221 B2 of
Inventor:

Dennis E. Parham

Serial No.: Unassigned

Filed : Herewith

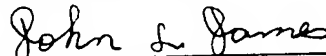
Title: Merchandising
Display Track Device Of
Multiple-Piece Construction

Group Art Unit: 3634

Examiner: Tran, Khoa

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Alexandria, VA 22313-1450



Name: John L. James
Registration No. 28,724
Date: November 10, 2003

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

DISCLOSURE STATEMENT UNDER 37 CFR 1.97-1.99

Applicant respectfully requests that the following
references be considered in the reexamination of the
above-identified application.

U.S. Patent No. 6,189,734 B1, issued 02/02/01, Apps et al.
U.S. Patent No. 6,142,316, issued 11/07/00, Harbour et al.
U.S. Patent No. 5,971,204, issued 10/26/99, Apps.
U.S. Patent No. 5,862,923, issued 01/26/99, Nordquist et al.

U.S. Patent No. 5,788,091, issued 08/04/98, Robertson et al.
U.S. Patent No. 5,685,664, issued 11/11/97, Parham et al.
U.S. Patent No. 5,645,176, issued 07/08/97, Jay.
U.S. Patent No. 5,634,564, issued 06/03/97, Spamer et al.
U.S. Patent No. 5,595,310, issued 01/21/97, Spamer et al.
U.S. Patent No. 5,562,217, issued 10/08/96, Salveson et al.
U.S. Patent No. 5,542,552, issued 08/06/96, Yablans et al.
U.S. Patent No. 5,531,336, issued 02/02/96, Parham et al.
U.S. Patent No. 5,458,248, issued 10/17/95, Alain.
U.S. Patent No. 5,351,838, issued 10/04/94, Flum.
U.S. Patent No. 5,314,081, issued 05/24/94, Carroll.
U.S. Patent No. 5,240,126, issued 08/31/93, Foster et al.
U.S. Patent No. 5,203,463, issued 04/20/93, Gold.
U.S. Patent No. 5,160,051, issued 11/03/91, Bustos.
U.S. Patent No. 5,050,748, issued 09/24/91, Taub.
U.S. Patent No. 5,024,336, issued 06/18/91, Spamer.
U.S. Patent No. 4,997,094, issued 03/05/91, Spamer et al.
U.S. Patent No. 4,958,739, issued 09/25/90, Spamer.
U.S. Patent No. 4,836,390, issued 06/06/89, Polvere.
U.S. Patent No. 4,785,945, issued 11/22/88, Rowse et al.
U.S. Patent No. 4,762,236, issued 08/09/88, Jackle III et al.
U.S. Patent No. 4,730,741, issued 03/15/88, Jackle III et al.
U.S. Patent No. 4,724,968, issued 02/16/88, Wombacher.
U.S. Patent No. 4,685,574, issued 08/11/87, Young et al.
U.S. Patent No. 4,630,739, issued 12/23/86, Levenberg.
U.S. Patent No. 4,478,337, issued 10/23/84, Flum.
U.S. Patent No. 4,205,763, issued 06/03/80, Merl.
U.S. Patent No. 2,218,444, issued 10/15/40, Vineyard.
U.S. Patent No. Des. 401,436, issued 11/24/98, Jay.
U.S. Patent Pub. No. 2001/0020606, published 09/13/01, Battaglia
et al.

REMARKS

For the Examiner's convenience, the applicant has attached a completed FORM PTO/SB/08A hereto.

Under rule 37 C.F.R. § 1.98(a), the applicant submits that no specific comments are necessary for any of the above cited English language publications; however, applicant makes the following comments: The old art cited in the original patent is not believed to be pertinent to the new claims. The new art cited herein is relevant to the new claims but is not believed to be relevant to the original claims. The parts believed to be most relevant are set forth below:

REFERENCE	DRAWINGS FIGURES	SPECIFICATION
Apps 6,189,734 B1	1-4, 6-7, 10	col 5 lines 1-35
Harbour 6,142,316	all	col 8 line 52 to col 9 line 18
Apps 5,971,204	1-3	col 3 lines 39-52
Nordquist 5,862,923	5, 9, 19	
Robertson 5,788,091	8	
Parham 5,685,664	1	
Jay 5,645,176	1-6	col 5 line 31 to col 6 line 5
Merl 4,205,763	1	col 3 lines 19-23 and 42-55
Vineyard 2,218,444	1-2	col 2 lines 23-25
Jay Des.. 401,436	4A, 5A, 6A, 7A	
Battaglia; Pub. No. 2001/0020606 A1	5	Para [0051]

Respectfully submitted,

John L. James

John L. James

Registration No. 28,724

Attorney for Applicant(s)

P. O. Box 2025

Marietta, Georgia 30061-2025

Telephone 770-792-0360

Facsimile 770-792-0360

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Dennis E. Parham
Art Unit	3634
Examiner Name	Khoa Tran
Attorney Docket Number	D-2958RE

Sheet **1** of **2****U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 6,189,734 B1	02-20-2001	Apps et al.	
		US- 6,142,316	11-07-2000	Harbour et al.	
		US- 5,971,204	10-26-1999	Apps	
		US- 5,862,923	01-26-1999	Nordquist et al.	
		US- 5,788,091	08-04-1998	Robertson et al.	
		US- 5,685,664	11-11-1997	Parham et al.	
		US- 5,645,176	07-08-1997	Jay	
		US- 5,634,564	06-03-1997	Spamer et al.	
		US- 5,595,310	01-21-1997	Spamer et al.	
		US- 5,562,217	10-08-1996	Salveson et al.	
		US- 5,542,552	08-06-1996	Yablans et al.	
		US- 5,531,336	07-02-1996	Parham et al.	
		US- 5,458,248	10-17-1995	Alain	
		US- 5,351,838	10-04-1994	Flum	
		US- 5,314,081	05-24-1994	Carroll	
		US- 5,240,126	08-31-1993	Foster et al.	
		US- 5,203,463	04-20-1993	Gold	
		US- 5,160,051	11-03-1992	Bustos	
		US- 5,050,748	09-24-1991	Taub	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁴
		Country Code ³ * Number * Kind Code ² (if known)				

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if KnownSheet **2**of **2**

Application Number	
Filing Date	
First Named Inventor	Dennis E. Parham
Art Unit	3634
Examiner Name	Khoa Tran
Attorney Docket Number	D-2958RE

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,024,336	06-18-1991	Spamer	
		US- 4,997,094	03-05-1991	Spamer et al.	
		US- 4,958,739	09-25-1990	Spamer	
		US- 4,836,390	06-06-1989	Polvere	
		US- 4,785,945	11-22-1988	Rowse et al.	
		US- 4,762,236	08-09-1988	Jackle III et al	
		US- 4,730,741	03-15-1988	Jackle III et al.	
		US- 4,724,968	02-16-1988	Wombacher	
		US- 4,685,574	08-11-1987	Young et al.	
		US- 4,630,739	12-23-1986	Levenberg	
		US- 4,478,337	10-23-1984	Flum	
		US- 4,205,763	06-03-1980	Merl	
		US- 2,218,444	10-15-1940	Vineyard	
		US- Des. 401,436	11-24-1998	Jay	
		US- 2001/0020606 A1	09-13-2001	Battaglia et al.	
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ * Number ⁴ * Kind Code ⁵ (if known)				

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/096,232	03/31/2005	Dennis E. Parham	D-2958RE-D2	2333
26829	7590.	12/07/2006		
JOHN L. JAMES P.O. BOX 2025 MARIETTA, GA 30061-2025			EXAMINER NOVOSAD, JENNIFER ELEANORE	
			ART UNIT 3634	PAPER NUMBER

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

11/096,232

Applicant(s)

PARHAM, DENNIS E.

Examiner

Jennifer E. Novosad

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>Attached hereto</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This final Office action is in response to the amendment filed November 3, 2006 by which claims **22** and **24** were amended and claim **23** was canceled.

Oath/Declaration

It is noted that applicant failed to provide a supplemental declaration with the amendment filed on November 3, 2006. *Thus*, the omission of a supplemental declaration is considered to correlate to the reissue oath/declaration being defective (see 37 CFR 1.175 and MPEP § 1414).

Reissue Application

Claims **22** and **24** are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

Allowable Subject Matter

It is noted that otherwise claims **22** and **24** are deemed to be allowable.

Comments

The new grounds of rejection, under 35 U.S.C. 251, were necessitated by applicant's omission of a supplemental declaration.

Further, applicant is reminded of the discussion (see attached Interview Summary) held between the examiner and applicant's representative, Mr. John James, on December 4, 2006,

Art Unit: 3634

whereby the examiner suggested that this application be expressly abandoned so that the claims herein can be merged with the claims of the parent re-issue application No. 10/705,666.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday, Tuesday, Thursday, 5:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

Art Unit: 3634

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

December 5, 2006

Examiner-Initiated Interview Summary

Application No.

11/096,232

Applicant(s)

PARHAM, DENNIS E.

Examiner

Jennifer E. Novosad

Art Unit

3634

All Participants:

(1) Ms. Jennifer E. Novosad (Examiner).

(2) Mr. John James.

Status of Application: Final

(3) _____

(4) _____

Date of Interview: 4 December 2006

Time: _____

Type of Interview:

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Oath under Rule 251

Claims discussed:

22 and 24

Prior art documents discussed:

N/A

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.


(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed:

The examiner indicated that claims 22 and 24 are allowable.

To expedite proceedings, the examiner indicated to Mr. James that

(a) it was recommended to merge claims 22 and 24 of this application with the parent re-issue application 10/705,666, and

(b) that this application should be expressly abandoned as a result.

The examiner also reminded Mr. James of the proper format for submitting a supplemental declaration in the parent re-issue 10/705,666.

JOHN L. JAMES

Attorney & Counselor At Law
Patents, Trademarks & Copyrights
316 Alexander Street, Suite 1
Marietta, Georgia 30060-2001

Facsimile
770-792-2127

Telephone
770-792-0360

FACSIMILE TRANSMITTAL SHEET

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY

TO: JENNIFER E. NOVOSAD
USPTO Group Art Unit 3634

FACSIMILE: 571-273-6832

TELEPHONE: 571-272-6832

PAGES: 24 Including this cover sheet

DATE: December 19, 2006

NOTES/COMMENTS:

Express abandonment for s/n 11/096,232.

Merger amendment.

Supplemental Declaration for Serial No. 10/705,666, my docket D-2958RE.

If you require the original document, please advise.

JOHN L. JAMES

Attorney & Counselor At Law
Patents, Trademarks & Copyrights
316 Alexander Street, Suite 1
Marietta, Georgia 30060-2001

Facsimile
770-792-2127

Telephone
770-792-0360

FACSIMILE TRANSMITTAL SHEET

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY

TO: JENNIFER E. NOVOSAD

USPTO Group Art Unit 3634

FACSIMILE: 571-273-8300

TELEPHONE: 571-272-6832

PAGES: 20 Including this cover sheet

DATE: December 1, 2006

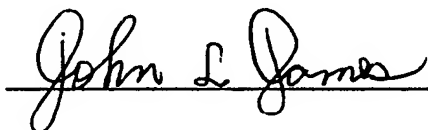
NOTES/COMMENTS:

Merger Amendment regarding Serial No. 10/705,666, my docket D-2958RE.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on December 1, 2006
Date



Signature

John L. James

Typed or printed name of person signing Certificate

28,724

Registration Number, if applicable

770-792-0360

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Papers Transmitted:

Express Abandonment--PTO/SB/24

Merger Amendment--15 pages

Draft supplemental declaration

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**EXPRESS ABANDONMENT UNDER
37 CFR 1.138**

Fax directly to the Pre-Grant Publication Division at (703) 305-8568; or
mail to: Mail Stop Express Abandonment
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	11/096,232
Filing Date	03/31/2005
First Named Inventor	Dennis E. Parham
Art Unit	3634
Examiner Name	Novosad, J. E.
Attorney Docket Number	D-2958RE-D2

Please check only one of boxes 1 or 2 below:

(If no box is checked, this paper will be treated as a request for express abandonment as if box 1 is checked.)

1. ☒ **Express Abandonment**
I request that the above-identified application be expressly abandoned as of the filing date of this paper.
2. ☐ **Express Abandonment in Favor of a Continuing Application**
I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, USE FORM PTO/SB/24A INSTEAD OF THIS FORM.

TO REQUEST A REFUND OF SEARCH FEE AND EXCESS CLAIMS FEE (IF ELIGIBLE), USE FORM PTO/SB/24B INSTEAD OF THIS FORM.

- I am the: ☐ applicant.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record. Attorney or agent registration number is 28,724
- ☐ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application (box 2 above must be checked). Attorney or agent registration number is _____.

John L. James
Signature

December 1, 2006
Date

John L. James
Typed or printed name

770-792-0360
Telephone Number

Note: Signature of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process an application). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
of

Inventor(s):
Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Group Art Unit: 3634

Examiner: Novosad, J. E.

I hereby certify that this correspondence is
being deposited today with the United States
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MAIL STOP Reissue
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Name: John L. James
Registration No. 28,724
Date: December 1, 2006

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

MERGER

Pursuant to telephone interview of November 30, 2006,
wherein claims pending in divisional reissue application Serial
No. 11/096,232 were indicated as be allowable, please merge
claims 22 and 24 from application Serial No. 11/096,232 into the
above-identified application as new claims 29 and 30.
Application Serial No. 11/096,232 is being abandoned by separate
letter.

Claim amendments are reflected in the listing of claims
which begins on page 2 of this paper.

Remarks/Arguments begin on page 15 of this paper.

A draft supplemental declaration is attached following
page 15 of this paper. An executed version to follow when
signed by the Assignee.

CLAIM AMENDMENTS

Claim 1 (original): A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and
5 second members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one
10 article-guiding side wall upstanding from said track base of said each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending
15 upwardly above an upper edge of said one side wall of said second member, said one side wall of said second member having a cutout opening to said upper edge thereof and to opposite side surfaces thereof;

locking means integrally formed with said first member for interconnecting said one side wall of said first
20 member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one
25 side wall of said second member, said flexible overhang engages side of said one side wall of said second member with a lug formed integrally with said overhang and received in said cutout, whereby longitudinal displacement

of said one side wall of said first member relative to said
30 one side wall of said second member is prevented; and
a pair of engaging tabs provided disposed
respectively alongside said opposite side surfaces of said
one side wall of said second member with at least one of
said engaging tabs formed on said lug so that lateral
35 displacement of said one side wall of said first member
relative to said one side wall of said second member is
prevented.

Claim 2 (original): A merchandising track device
for displaying articles, said track device comprising:

an elongate body having a forward end, said body
comprising a track base for carrying a row of articles for
5 sliding movement along said body, a tongue extending
forwardly from said track base and defining said forward
end of said body, and at least one article-guiding side
wall upstanding from said track base and extending along
said body;
10 a front piece formed as a discrete structure
separate from said body and attached to said forward end of
said body to provide a stopper for preventing a leading
article in said row from exiting said track device, said
front piece comprising a deck for supporting said leading
15 article, at least one upright wall upstanding from said
deck and disposed in general longitudinal alignment with
said one side wall, said one upright wall including a
portion extending upwardly above an upper edge of said one
sidewall; and locking means for interconnecting said one
20 upright wall and said one side wall to lock said front
piece in position relative to said body, said locking means

including a flexible overhang integrally formed with said front piece and extending rearward from said portion of said one upright wall and disposed over said upper edge of
25 said one side wall with said flexible overhang flexing to either side of said one side wall of said second member; and

a pair of engaging tabs disposed respectively alongside opposite side surfaces of said one side wall, at
30 least one of said engaging tabs being integrally formed with said overhang, whereby lateral displacement of said one upright wall relative to said one side wall is prevented, and wherein one sidewall has a cutout opening to said upper edge and said opposite side surface thereof, and
35 at

least one engaging tab is formed on a lug to engage in said cutout.

Claim 3 (original): The track device according to claim 2, wherein said lug has a thickness greater than a thickness of said one side wall, and both said engaging tabs are formed on said lug.

5

Claim 4 (original): The track device according to claim 2, wherein said tongue is provided with a hooking element projecting therefrom, and said deck has a strip portion having a front and rear opposed faces, said front
5 face providing an edge for engaging said hooking element to prevent forward displacement of said front piece with respect to said body, said rear face sloping to facilitate insertion of said tongue into said socket.

Claim 5 (original): The track device according to claim 4, wherein said engaging edge of said deck extends transversely of said body.

Claim 6 (original): The track device according to claim 5, wherein said strip portion is provided by said lower wall and extends transversely of said body, said rear face of said strip portion sloping downwardly and
5 rearwardly, said hooking element projecting downwardly from a lower surface of said tongue.

Claim 7 (original): The track device according to claim 4, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial
5 flexibility, and said one of said plural portions is provided with said hooking element.

Claim 8 (original): The track device according to claim 2, wherein said engaging tabs are disposed with a lateral gap therebetween to receive in said gap an edge of said one sidewall.

5

Claim 9 (original): The track device according to claim 8, wherein said engaging tabs are opposed to each other across a thickness of said one side wall.

Claim 10 (original): The track device according to claim 8, wherein said engaging tabs are disposed at positions offset from each other along a length of said one side wall.

Claim 11 (original): The track device according to claim 2, wherein said body and said front piece are formed from different material.

Claim 12 (original): The track device according to claim 11, wherein said body is molded of polystyrene, and said front piece is molded of polycarbonate.

Claim 13 (original): The track device according to claim 2, wherein said tongue is formed with at least one notch for dividing said tongue into plural portions so that one of said plural portions exhibits substantial
5 flexibility, and said one of said plural portions is provided with said hooking element.

Claim 14 (original): A merchandising track device for displaying articles, said track device comprising:

first and second elongate track members formed separately as two discrete structures, said first and
5 second members being connected together in an end-to-end, longitudinally adjacent relationship, each of said members comprising a track base for carrying articles for sliding movement along said each member, and at least one
10 article-guiding side wall upstanding from said track base of said each member and extending along said each member, said one side wall of said first member being disposed in general longitudinal alignment with said one side wall of said second member and including a portion extending
15 upwardly above an upper edge of said one side wall of said second member, said one side wall of said second member

having a cutout opening to said upper edge thereof and to opposite side surfaces thereof;

20 said second member comprising a tongue extending longitudinally from said track base of said second member, said tongue defining an end of said second member, said first member having an end-opening socket for receiving said tongue so that said track bases of said first and second members are interconnected, said tongue being formed on said track base of said second member such that an upper
25 surface of said tongue is disposed below an upper surface of said track base of said second member to allow said upper surface of said track base of said second member and an upper surface of said track base of said first member to form a continuous floor for slidably supporting said
30 articles, wherein said track base of said first member comprises upper and lower opposed walls, and said socket is defined between said upper and lower walls; and

 locking means integrally formed with said first member for interconnecting said one side wall of said first
35 member and said one side wall of said second member to lock said members in position relative to each other, said locking means comprising a flexible overhang extending rearward from said portion of said one side wall of said first member and disposed over said upper edge of said one
40 side wall of said second member with said flexible overhang flexing to either side of said one side wall of said second member, and a lug with tabs formed integrally with and extending from said overhang and received in said cutout, whereby longitudinal displacement of said one side wall of
45 said first member relative to said one side wall of said second member is prevented.

Claim 15 (original): The track device according to claim 14, wherein said tongue is provided with a hooking element projecting therefrom, and said track base of said first member has a strip portion having a front and rear
5 opposed faces, said front face providing an edge for engaging said hooking element to prevent longitudinal displacement of said first member with respect to said second member, said rear face sloping to facilitate insertion of said tongue into said socket.

10

Claim 16 (original): A merchandising track device for displaying articles, said track device comprising:

an elongate body having a forward end, said body comprising a track base for carrying a row of articles for
5 sliding movement along said body, a tongue extending forwardly from said track base and defining said forward end of said body, and at least one article-guiding side wall upstanding from said track base and extending along said body; and

10

a front piece formed as a discrete structure separate from said body and attached to said forward end of said body to provide a stopper for preventing a leading article in said row from exiting said track device, said front piece comprising a deck for supporting said leading
15 article, said deck having a socket for receiving said tongue so that said deck and said track base are interconnected, said tongue being formed on said track base such that an upper surface of said tongue is disposed below an upper surface of said track base to allow said upper
20 surface of said track base and an upper surface of said

deck to form a continuous floor for slidably supporting
said articles, at least one upright wall upstanding from
said deck and disposed in general longitudinal alignment
with said one side wall, said one upright wall including a
25 portion extending upwardly above an upper edge of said one
sidewall; and locking means integrally formed with said
front piece for interconnecting said one upright wall with
said one side wall to lock said front piece in position
relative to said body, said locking means including a
30 flexible overhang extending rearward from said portion of
said one upright wall and disposed over said upper edge of
said one side wall having said cutout, said flexible
overhang flexing to either side of said one side wall of
said second member; and
35 a pair of engaging tabs disposed respectively
alongside opposite side surfaces of said one side wall in a
cutout with at least one of said engaging tabs being
integrally formed with said overhang so that lateral
displacement of said one upright wall relative to said one
40 side wall is prevented.

Claim 17 (original): The track device according to
claim 16, wherein said tongue is provided with a hooking
element projecting therefrom, and said deck has a strip
portion having front and rear opposed faces, said front
5 face providing an edge for engaging said hooking element to
prevent forward displacement of said front piece with
respect to said body, said rear face sloping to facilitate
insertion of said tongue into said socket.

Claims 18-24 (cancelled).

Claim 25 (previously presented): A front panel assembly for a merchandising display track device, said track device being adapted to receive a row of articles for sliding movement therealong, said front panel assembly,
5 comprising:

 a base adapted to receive said row of articles from said track device for sliding movement therealong;

 a first upstanding vertical member having a top end portion, a bottom end portion and a front edge, said first
10 vertical member being permanently connected along its bottom end portion to said base;

 a first face member connected to said front edge of said first vertical member, said first face member extending laterally a preselected distance from said first
15 vertical member toward said second vertical member;

 a second upstanding vertical member having a top end portion, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and permanently connected along its bottom
20 end portion to said base;

 a second face member connected to said front edge of said second vertical member, said second face member extending laterally a preselected distance from said second vertical member toward said first vertical member;

25 an elongate connecting member having a first end connected to said top end portion of said first vertical member and a second end portion connected to said top end portion of said second vertical member, said connecting member curving outwardly away from said vertical members;

30 and

means for detachably attaching said front panel assembly to said track device.

Claim 26 (previously presented): A front panel, as set forth in claim 25, wherein said first and second face members are connected to said base.

Claim 27 (previously presented): A front panel assembly for a merchandising display track device, said track device having a track base adapted to receive a row of articles for sliding movement therealong and a vertical member extending along said track base, said vertical member having a cutout opening to an upper edge thereof and to opposite side surfaces thereof, said front panel assembly, comprising:

a floor deck adapted to receive said row of articles from said track base for sliding movement therealong;

means for detachably attaching said floor deck to said track base;

a first upstanding vertical member having a top end, a bottom end portion and a front edge, said first vertical member being permanently connected along its bottom end portion to said floor deck;

a second upstanding vertical member having a top end, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and permanently connected along its bottom end portion to said floor deck;

an elongate connecting member having a first end connected to said top end of said first vertical member and a second end portion connected to said top end of said

25 second vertical member, said connecting member curving
outwardly away from said vertical members;

locking means integrally formed with one of said
first and second vertical members for interconnecting said
vertical member of said track device and said one vertical
30 member to lock said vertical members in position relative
to each other, said locking means comprising a flexible
overhang extending rearward from said one vertical member
and adapted to be disposed over said cutout so that said
flexible overhang engages a side of said vertical member of
35 said track device with a lug formed integrally with said
flexible overhang and received in said cutout thereby
preventing longitudinal displacement of said front panel
assembly relative to said track; and

a pair of engaging tabs disposed respectively
40 alongside said opposite side surfaces of said vertical
member of said track device with at least one of said of
said engaging tabs formed on said lug so that lateral
displacement of said one vertical member relative to said
track device is prevented.

45

Claim 29 (New): A front panel assembly for a
merchandising display track device, said track device being
adapted to receive rows of articles for sliding movement
therealong, said front panel assembly, comprising:

5 a base adapted to receive said rows of articles from
said track device for sliding movement therealong;

a first upstanding vertical member having a top end
portion, a bottom end portion and a front edge, said first
vertical member being permanently connected along its
10 bottom end portion to said base;

a second upstanding vertical member having a top end portion, a bottom end portion and a front edge, said second vertical member being laterally spaced from said first vertical member and permanently connected along its bottom
15 end portion to said base;

a third upstanding vertical member having a top end portion, a bottom end portion and a front edge, said third vertical member being laterally spaced from said second vertical member and permanently connected along its bottom
20 end portion to said base, said second vertical member being intermediate said first and third vertical members;

a first face member having a top end portion and a bottom end portion and being connected to said front edge of said first vertical member, said first face member
25 extending laterally a preselected distance from said first vertical member toward said second vertical member;

a second face member having a top end portion and a bottom end portion and being connected to said front edge of said second vertical member, said second face member
30 extending laterally a preselected distance from said second vertical member toward said first vertical member and extending laterally a preselected distance from said second vertical member toward said third vertical member; and

a third face member having a top end portion and a bottom end portion and being connected to said front edge of said third vertical member, said third face member
35 extending laterally a preselected distance from said third vertical member toward said second vertical member;

a first elongate connecting member having a first
40 end connected to said top end portion of said first vertical member and a second end portion connected to said

top end portion of said second vertical member, said first connecting member curving outward away from said first and second vertical members;

45 a second elongate connecting member having a first end connected to said top end portion of said second vertical member and a second end portion connected to said top end portion of said third vertical member, said second connecting member curving outward away from said second and
50 third vertical members; and

 means for detachably attaching said front panel assembly to said track device.

 Claim 30 (New): A front panel, as set forth in claim 29, wherein said first, second and third face members are connected to said base.

REMARKS

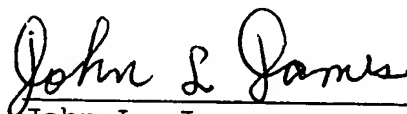
This paper merges claims 22 and 24 of divisional reissue application Serial No. 11/096,232 into reissue application Serial No. 10/705,666 as new claims 29 and 30. New claims 29 and 30 are word for word exactly the same as claims 22 and 24 which were allowed in the divisional reissue application.

An express abandonment of the divisional reissue application is submitted herewith on form PTO/SB/24. After acceptance of the express abandonment, reissue application Serial No. 10/705,666 will be the only application pending. Claims 1-17 and 25-30 are present in the application. Claims 18-24 have been cancelled.

A supplemental declaration in draft form setting forth the errors corrected is attached hereto to expedite disposition of the application. A supplemental declaration executed by the assignee will be forwarded as soon as possible.

In view of the foregoing , the reissue application is in condition for allowance and such favorable action is courteously solicited.

Respectfully submitted,



John L. James
Attorney for Applicant(s)
Registration No. 28,724

Atty Docket No. D-2958RE
Serial No.: 10/705,666
Merger Amendment
Telephone: 770-792-0360
Facsimile: 770-792-2127

Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
of

Inventor(s):
Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Group Art Unit: 3634

Examiner: Novosad, J. E.

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P. O. Box 1450
Alexandria, VA 22313-1450

Name: John L. James
Registration No. 28,724

Date:

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL DECLARATION

I hereby declare that:

Every error in the patent which was corrected in the
present reissue application, and which is not covered by the
prior oath(s) and/or declaration(s) submitted with this
application, arose without any deceptive intention on the part
of the applicant.

An error in the original patent, US Patent No. 6,325,221,
was claiming less than entitled to claim in original claims
1-17. Independent claims 1, 2, 14 and 16 are directed to a
track device having several parts including elongated track
members. Claims 1 and 14 are directed to a track device
generally having track segments with longitudinal connections.

Claims 2 and 16 are directed to a track device generally having track segments and a front piece.

Claims 25-30 correct the original claims by claiming the front piece alone; that is, without also claimjng all the structure of the track device to which the front panel assembly attaches. Claims 25-30 thus broaden the defiintion of the invention.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

For the Assignee,

Date

Mark A. Higgins
President
Display Industries, LLC.

JOHN L. JAMES

Attorney & Counselor At Law
Patents, Trademarks & Copyrights
316 Alexander Street, Suite 1
Marietta, Georgia 30060-2001

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770-792-2127

Telephone
770-792-0360

FACSIMILE TRANSMITTAL SHEET

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TO: JENNIFER E. NOVOSAD
USPTO Group Art Unit 3634

FACSIMILE: 571-273-8300

TELEPHONE: 571-272-6832

PAGES: 3 Including this cover sheet

DATE: December 8, 2006

NOTES/COMMENTS:

Supplemental Declaration for Serial No. 10/705,666, my docket D-2958RE.

If you require the original document, please advise.

John L. James

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
of

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For the Assignee,

12/6/06
Date



Mark A. Higgins
President
Display Industries, LLC.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
of

Inventor(s):

Dennis E. Parham

Merchandising Display Track
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Serial No.: 10/705,666

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Examiner: Novosad, J. E.

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P. O. Box 1450

Alexandria, VA 22313-1450

Name: John L. James

Registration No. 28,724

Date:

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

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I hereby declare that:

Every error in the patent which was corrected in the
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prior oath(s) and/or declaration(s) submitted with this
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An error in the original patent, US Patent No. 6,325,221,
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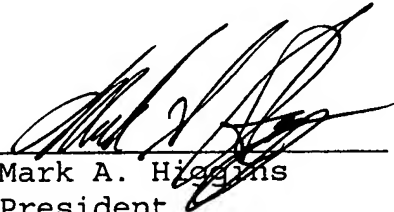
Claims 2 and 16 are directed to a track device generally having track segments and a front piece.

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

For the Assignee,

12/6/06
Date



Mark A. Higgins
President
Display Industries, LLC.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
of

Inventor(s):
Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
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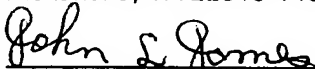
Filed: November 10, 2003

Group Art Unit: 3634

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Name: John L. James
Registration No. 28,724
Date: December 27, 2006

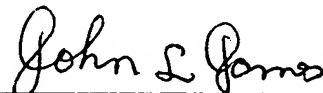
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

NON-COMPLIANT AMENDMENT

In response to the Notice of Non-Compliant Amendment,
the merger amendment, originally transmitted by facsimile with
pages received illegibly or not at all, is enclosed herewith in
its entirety as originally transmitted by facsimile.

Respectfully submitted,



John L. James
Attorney for Applicant(s)
Registration No. 28,724

Atty Docket No. D-2958RE
Serial No.: 10/705,666
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Telephone: 770-792-0360
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,666	11/10/2003	Dennis E. Parham	D2958RE	5356
26829	7590	12/20/2006		
JOHN L. JAMES			EXAMINER	
P.O. BOX 2025			NOVOSAD, JENNIFER ELEANORE	
MARIETTA, GA 30061-2025				
			ART UNIT	PAPER NUMBER
			3634	
			MAIL DATE	DELIVERY MODE
			12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10705666

Applicant(s)

Examiner

NOVOSAD

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on Cash and 12-1-06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Claims 1-14 are missing second draft
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): two claim 14.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment, an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Joseph L. Bracken
Legal Instruments Examiner (LIE), if applicable

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☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY

TO: JENNIFER E. NOVOSAD

USPTO Group Art Unit 3634

FACSIMILE: 571-273-8300

TELEPHONE: 571-272-6832

PAGES: 20 Including this cover sheet

DATE: December 1, 2006

NOTES/COMMENTS:

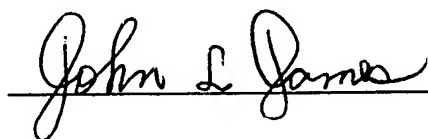
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37 CFR 1.138**Fax directly to the Pre-Grant Publication Division at (703) 305-8568; or
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Application Number	11/096,232
Filing Date	03/31/2005
First Named Inventor	Dennis E. Parham
Art Unit	3634
Examiner Name	Novosad, J. E.
Attorney Docket Number	D-2958RE-D2

Please check only one of boxes 1 or 2 below:

(If no box is checked, this paper will be treated as a request for express abandonment as if box 1 is checked.)

1. ☒ **Express Abandonment**
I request that the above-identified application be expressly abandoned as of the filing date of this paper.
2. ☐ **Express Abandonment in Favor of a Continuing Application**
I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, USE FORM PTO/SB/24A INSTEAD OF THIS FORM.**TO REQUEST A REFUND OF SEARCH FEE AND EXCESS CLAIMS FEE (IF ELIGIBLE), USE FORM
PTO/SB/24B INSTEAD OF THIS FORM.**

- I am the: ☐ applicant.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record. Attorney or agent registration number is 28,724
- ☐ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application (box 2 above must be checked). Attorney or agent registration number is _____

John L. James
Signature

December 1, 2006
Date

John L. James
Typed or printed name

770-792-0360
Telephone Number

Note: Signature of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

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